

ACTS of 1837.

1837—continued.

ACT.

CL.

Sudder Ameens. Appeals from the orders or decisions of a Principal Sudder Ameen to a Zillah or City Judge shall not be received unless preferred within the limit prescribed, except under the circumstance stated.

XXV.

Sudder Ameens. Clause 2, section 25, Regulation V. 1831, extended to Ministerial Officers of the Moonsiff's Courts.

Sudder Ameens. Those of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, shall be nominated and appointed by those Courts, subject to the control of the Zillah and City Judges and Sudder Dewanny Adawlut.

Sudder Ameens, Principal. See Perjury.

Sudder Ameens. To try criminal cases in which any person may be concerned.

XXXIV.

Sudder Ameens. Europeans and Americans not to be tried by them, but by Criminal Judges.

Superintendent of Police at Madras. See Revenue.

Superintendent of Police. Authorizing the appointment of Superintendent of Police. When one is appointed, certain parts of section 7, Regulation I. 1829, shall cease to have effect within his jurisdiction. By what rules he is to be guided in the execution of his duties.

XXIV.

Superintendent of Police. When one is appointed for any jurisdiction, section 3, Regulation I. 1831, Bengal Code, shall cease to have effect within it.

Superintendent of Police. Powers of, in regard to the appointment, suspension, and removal of any Ministerial or Police Officer subordinate to any Magistrate or Joint Magistrate.

Superintendent of Police. When a Session Judge shall receive and try any appeal from any order of a Magistrate or Joint Magistrate. Proviso.

Superintendent of Police. The decision of a Session Judge, and the orders of the, alluded to, shall not be open to revision by the Nizamat Adawlut.

Superintendent of Police. When a Session Judge shall possess any of the powers of a Session Judge over Gaols and the Officers of the same.

Superintendent of Police. When shall be appointed and the powers of, in regard to imprisonment, operation.

Salt. Levying rates and Joint Magistrates to approve of, under Regulation XXII. 1816, fact.

Salt. No person shall be liable to the cleansing and repairing of the Collector's factory.

XV.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

XVIII.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

II.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

Collector. No person shall be liable to be levied from notice of assessment to be levied from Collector, occupier of any shop or habitation.

EAST INDIA.

COPY OF

INDEX TO THE ACTS

OF

THE SUPREME GOVERNMENT OF INDIA,

FOR THE YEARS 1838 AND 1839.

(Pursuant to Act.)

East India House,
30 March 1841.

Ordered, by The House of Commons, to be Printed, 10 June 1841.

YEAR 1838.

	ACT.	SECTION.	CLAUSE.
Act No. II. 1836, except so far as it repeals any regulation of the Bombay Code, repealed -	I.	II.	
No. XIX. 1836, Section III. of, repealed -	XXIV.	I.	
No. VIII. 1837, repealed -	III.	"	
No. XVII. 1837, Section VIII. of, repealed -	XX.	"	
No. XXXI. 1838, shall extend to persons or places over whom or which the criminal jurisdiction of Her Majesty's Courts of Justice in the territories of the East India Company extends -	XXXI.	XX	
See Criminal Act.		XXII.	
portions of, passed in the 9th Geo. IV., for improving the administration of criminal justice in the East Indies, shall cease to have effect -	"	XXIII.	
Acts (Parliamentary) regarding wills, &c. shall cease to have effect in the territories of the East India Company, except as the same or any of them relative to any wills or estates <i>pur autre vie</i> , to which this Act does not extend -	XX.	XV.	
Ameens. See Sudder Boards.		Y.	
Anjengo and Changanerry, joint Criminal Judge having jurisdiction over the districts of, to exercise the powers of joint Magistrate defined in the Madras Regulations -	III.	X	
Appeals; when any Court in Bombay trying an appeal, finds that the action was decided in a Revenue Court, when it ought to have been decided in a Court of Adawlut, the Court shall annul only the decree, and refer the suit to be tried in the Court to which the jurisdiction properly belongs -	XVI.	XI.	
original, relating to any of the subjects enumerated in Clause 1st, Section I. of this Act, which may be depending in the Revenue Courts, shall be transferred to the Courts of Adawlut -	"	VI.	
(summary) to be received by Zillah Judges, assistant Judges of auxiliary Courts and Principal Sudder Ameens of Madras, from the orders or decrees of district Moonsiffs, in cases in which such Moonsiffs may have refused to admit suits cognizable by them, &c. -	XVII.	I.	
the provisions of the 5th and 6th following Clauses of Section V., Regulation XV. 1816, Madras code, regarding, shall apply to the summary appeals preferred under this Act -	"	II.	
Zillah and City Judges within the Presidency of Fort William shall receive, from the decrees of the Moonsiffs subordinate to them in cases in which such Moonsiffs may have refused to admit suits cognizable by them, &c. -	XXII.	III.	
the provisions contained in the 5th and 6th following Clauses of Section III., Regulation XXVI. 1814, and Section II., Regulation XII. 1833, and Section VII., Regulation IX. 1831, Bengal Code, shall apply to, preferred under this Act -	"	IX.	
		XV.	

COPY OF INDEX TO THE ACTS OF THE SUPREME

	ACT.	SECTION.	CLAUSE.
Bank of Bengal, capital stock of, may be increased	XXIV.	II.	
whenever increase of capital stock of, shall be ordered,			
proprietors may subscribe for new stock	"	III.	
whenever increase of capital stock of, shall be made,			
the Governor General shall prescribe that the subscriptions			
be made on each share, in any given proportion to the	"	IV.	
amount of stock represented by such share			
the Governor General shall prescribe that the amount			
of new capital that may not be subscribed for by proprietors	"	"	
within the period of 18 months, shall be sold by public			
auction for the benefit of	"	"	
the Governor General at the time of ordering any			
increase of the capital stock, shall reserve the portion	"	V.	
of such increase that may belong to Government by reason			
of its share of the capital of	"		
on the refusal of Government to take its share of			
new stock, such stock shall not be sold on account of the	"		
proprietors at large as above provided for stock not sub-			
scribed for by other proprietors, &c.	"	"	
Boats, goods not to be conveyed to or from any vessel other-			
wise than in authorized	I.	XXXIII.	
Boat note, to accompany each boat load of goods for the pur-			
pose of being landed and passed for importation	"	XXXIX.	
Bombay. See Territory.			
Bonded Warehouse Association, shall sue and be sued by its			
corporate name, &c.	V.	II.	
balance sheet of funds and report of affairs of, to			
be presented at general meetings thereof	"	XIV.	
bye-laws of, to be framed for the regulation of its			
proceedings	"	XXXII.	
provisions of Act No. XXV. 1836, relating to pri-			
vate licensed warehouses shall be applicable to all ware-	"	XXV.	
houses wherein the, shall receive bonded goods			
to be dissolved by order of the Governor General in	"		
council on 14th March 1860	"	XXXVII.	
to be dissolved at any time by a resolution of two-			
thirds in value of proprietors qualified to	"	XXXVIII.	
vote	"	VIII.	
See directors of	"		
shall be removed or elected by general meet-	"		
ings	"	IX.	
shall be elected by lot	"	X.	
shall be out of office	"	"	
shall be elected	"	"	
should be proprietors in their own right	"		
of the capital stock of	"	XII.	
should be resident within the Presidency			
William	"	XIII.	
may spend the money of, for the pur-	"		
chasing warehouses, &c.	"	XXI.	
on its dissolution shall cause its pro-	"		
perty to be converted into money	"	XXXIX.	
on any of the, going out of office, other-			
wise than by the rule of rotation, an extraordinary general	"		
meeting shall be convened to appoint a successor	"	XI.	
dividend out of the profits of, shall be declared by a			
general meeting	"	XIV.	
East India Company to have the right of pre-emp-			
tion in purchasing any premises disposed of by	"	XXXVI.	
instalments due by the proprietors of the, shall be			
paid by them	"	XXII.	
if not paid by proprietors, they shall pay			
interest on the deficient sum at 10 per cent. per annum	"	XXIII.	
meetings, ordinary general, of the proprietors of,			
shall be held twice a year	"	XIV.	
may adjourn themselves to a			
future day	"	XV.	
extraordinary general, of the proprietors			
shall be held as directed in the bye-laws of the Asso-	"		
ciation	"	XVI.	
proprietors of shares of the capital stock of, who			
to be proprietors of such stock, shall cease to be	"		
members of the corporation	"	VII.	
persons becoming proprietors of the capital stock of,			
shall be members of the corporation	"	"	
power in writing may be given by one proprietor to	"		
vote for him	"	XX.	

	ACT.	SECTION.	CLAUSE.
Bonded Warehouse Association, proprietors of the, shall not be personally liable for any acts or liabilities of the Association	V.	XXXI.	
parties having any legal demand on, shall recover the amount of such demand from the capital stock of the Association	"	"	
price on premises belonging to, shall be fixed by two appraisers	"	XXXVI.	
register book to be kept by the directors of, for the registry of the names, additions and places of residence of the proprietors	"	IV.	
report in writing of the affairs of, shall be presented at ordinary general meetings	"	XIV.	
register of the transfer of share belonging to the proprietors of, who shall fail to pay instalment or interest, shall be refused	"	XXIV.	
table of rates of warehousing goods shall be placed at every warehouse and wharf of	"	XXVII.	
Rules regulating the original capital stock of, shall apply to additional stock	"	XXXV.	
stock, capital of, to be 10,00,000 rupees, and shall be divided into 2,000 shares of 500 rupees each	"	III.	
shares of the, may be transferred by indorsement made on the certificate for such shares by the proprietors of them, or their attorneys	"	VI.	
shares of proprietors of, to be sold by public auction, if the instalment or interest due shall not be paid	"	XXIV.	
security by bond for payment of duties of importation on goods lodged in any warehouse of, to be given by the Association	"	XXVI.	
suits against, to be brought in the Supreme Court at Calcutta	"	XXIX.	
stock (joint) of, shall be held and enjoyed by the proprietors as personal estate	"	XXX.	
stock (capital) of, may be increased by votes at two extraordinary general meetings of the proprietors	"	XXXIII.	
no proprietor bound to subscribe to the increased	"	XXII. V.	
increased, not subscribed for by proprietors of the original stock to be sold for the benefit of the Association	"	XXIII.	
by a majority of votes shall every election and question at general meetings of the proprietors of, be decided	"	XV.	
no proprietor of, shall be allowed to vote unless he be possessed of two or more shares of the capital stock	"	XV.	
votes of shareholders, how regulated	"	XV.	
joint votes of persons partners in trade shall be received as votes of single proprietors	"	X.	
warrant of goods lodged in any warehouse of, shall be given by its secretary	"	XXI.	
certificate signed by three Directors of, shall be delivered to every proprietor of the capital stock	"	II. V.	
Bottellos. See Craft.			
Bullocks, laden. See Toll.			
Cargo boats laden with goods shall not make fast to, or lie alongside of, any vessel, unless goods on such boats be covered with a Custom-house pass	I.	XXXVIII.	
Certificate to be produced showing that customs duty has been paid	"	IX.	
of the payment of customs duties to be delivered to Chokee officer in charge, to entitle goods to pass	"	X.	
of payment to be given to any merchant or other person on receipt of money as customs duty	"	XI.	
not to be received at any Chokee that shall bear date more than 30 days before the date when the goods arrive at the Chokee	"	XII.	
goods provided with a, shall be sent back; if not so provided, shall be detained and be liable to confiscation	"	XIII.	
of the registry of vessels at Bombay, how sealed and signed	XX.	VIII.	
of ditto ditto, when to be issued	XIX.	IX.	
from the Marine Paymaster or Boat-master at Bombay shall not be required to enable any person to obtain a port clearance for vessels at the Custom-house of Bombay	"	XV.	
See Vessels.			

COPY OF INDEX TO THE ACTS OF THE SUPREME

	ACT.	SECTION.	CLAUSE.
Changanacherry. <i>See</i> Anjengo.			
Chapters I., II., IV., VI., VIII. and IX. of Regulation XX. of 1827, Bombay Code, with Appendices A. B. C. E. H. I. J. K. of that Regulation, repealed	I.	II.	
<i>See</i> Regulation.			
Charges on account of things done in contravention of this Act to be determined by the Magistrate or joint Magistrate of any city or district	II.	VI.	
Chokee. <i>See</i> Customs Chokees.			
Coins to be issued by authority of the Governor General in his executive capacity	XXI.	I.	
provisions of Act No. XVII. 1835, and No. XXXI. 1837, applicable to devices, &c. of, issued by virtue of Act No. XVII. 1835, shall apply to the coins which may be issued by virtue of this Act	"	II.	
Collector of Customs to fix a period, not being less than 20 days, when there shall be no Customs officer aboard of vessels discharging cargo for the discharge thereof and clearance of the vessel inwards	I.	XLV.	
or other principal officer entrusted with the collection or management of the revenues of Government of Bombay, is authorized to require security of one or more individuals in the form of Schedule A. of this Act	XVIII.	I.	
or other officer may, after security has been given, demand fresh or additional security	"	III.	
Commission shall be appointed at Bombay to inquire into any charge of malversation against any public servant	VI.		
Confiscation of goods landed, or put on board without due entry of vessel	I.	XXX.	
of ditto ditto at unauthorized places	"	XXXII.	
of ditto found on unauthorized boats	"	XXXIII.	
of ditto concealed on vessels, and not duly accounted for	"	XXXVI.	
of ditto on cargo boats alongside of a vessel not having a Customs pass by	"	XXXVIII.	
of ditto ditto not having a boat note	"	XXXIX.	
of ditto transportation or exportation by sea, if the packages in which they may be contained shall found not correspond with the description of them given in the Bill	"	XL.	
of goods removed after being landed, or before they have passed through the Custom House, with a view of defrauding the revenue	"	XLI.	
goods under this Act; the Collector of Customs to adjudge	"	LVII.	
goods unduly severe, may be mitigated by the Collector of Customs to the extent of the levy of double	"	LIX.	
wards.			
goods produced at salt works in the North-west which notice has not been given as prescribed in the first section of this Act	II.	IV.	
of goods landed in any other than authorized ports	I.	XXV.	
Courts, revenue, to give immediate possession of all lands, premises, trees, &c. and of all profits arising from the same to parties dispossessed of them	XVI.	I.	II.
parties to whom possession is given by the, shall continue in possession until ejected by a decree of a Court of Sudder Adawlut	"	"	"
shall continue to exercise the jurisdiction defined in Clauses 3, 4 and 5 of Section XXXI. Regulation XVII. of 1827 in the Bombay Code	"	"	III.
<i>See</i> Appeals.			
Craft (Pattamars, Dhonies, Bottellas, &c.) from the Maldiva and Laccadive Islands, or from the native ports of Kattywar, &c. shall be treated as coasting craft of the British territory	I.	LII.	
Credit to be given at Bombay for the sum that may be paid as duties on goods at any port not subject to the Presidency of Bombay, on such goods being subsequently imported to Bombay	"	XX.	
Criminal Act; administering poison, stabbing, cutting, wounding and doing bodily injury dangerous to life, how punished	XXXI.	III.	
poisoning or shooting at any person, drawing a trigger, or loading arms, attempting to drown, or suffocating, with intent to murder	"	IV.	

	ACT.	SECTION.	CLAUZE.
Criminal Act; maiming, disfiguring, or disabling any person resisting or preventing the lawful apprehension or detainer of any person	XXXI.	V.	
causing to be received or taken any explosive substance, casting upon any person any corrosive fluid	"	VI.	
causing the miscarriage of any woman	"	VII.	
when any felonious crime shall include an assault against any person, the jury shall find a verdict of guilty of assault against the person indicted	"	VIII.	
burglary or breaking into any house attended with murder	"	IX.	
ditto, how punished	"	X.	
burglary to commence at 9 o'clock in the evening, and to conclude at 6 o'clock in the morning	"	XI.	
stealing property from a dwelling-house equal to or above the value of 50 Co.'s Rs. and putting people in bodily fear by menace or threat	"	XII.	
robbing, cutting and wounding	"	XIII.	
robbing, assaulting, being armed with intent to rob, and beating, striking or using personal violence	"	XIV.	
the crime of buggary	"	XV.	
plundering or stealing any part of any ship or vessel in distress, or wrecked, stranded or cast on shore, or any goods, merchandize or articles belonging to such ship or vessel	"	XVI.	
robbing any person, or stealing any property from the person of another	"	XVII.	
assaulting any person with intent to rob	"	XVIII.	
demanding any property of any person with menaces or by force, with intent to steal the same	"	XIX.	
setting fire to any dwelling-house, any person being therein	"	XX.	
setting fire to church, chapel, house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, &c. with intent to injure or defraud any person	"	XXI.	
setting fire to, casting away, or in anywise destroying any ship or vessel, with intent to murder any person	"	XXII.	
exhibiting any false light or signal with intent to bring any ship or vessel into danger	"	XXIII.	
setting fire to or destroying any ship or vessel, or any goods on board the same, or any person who hath underwritten any policy of insurance upon such ship or vessel, or upon the freight thereof	"	XXIV.	
preventing any person endeavouring to save his life from any ship or vessel in distress, wrecked, stranded or cast on shore	"	XXV.	
destroying any part of any ship or vessel in distress, wrecked, stranded or cast on shore, or any goods or merchandize belonging to such ship or vessel	"	XXVI.	
setting fire to any mine of coal	"	XXVII.	
ditto, to any stack of rice, corn or other grain, pulse, sugar cane, straw, hay or wood, or to any crop of rice, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass or fern	"	XXVIII.	
stealing any growing tree, sapling or shrub, or any underwood, or any pole, post or stile, or any growing cultivated plant, root, fruit or vegetable production, or injuring any real or personal property	"	XXIX.	
money which shall be forfeited for the amount of any injury done, shall be paid to the party aggrieved; imprisonment for non-payment of forfeit money	"	XXX.	
where several persons guilty of the commission of the same offence shall be adjudged to forfeit a sum equivalent to the amount of the injury done, no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only	"	XXXI.	
offenders who shall have paid the sum adjudged with costs, or who shall have suffered imprisonment for non-payment thereof, shall be released from all further proceedings	"	XXXII.	
every punishment and forfeiture imposed on any person maliciously committing any offence shall equally apply, whether the offence be committed for malice or otherwise	"	XXXIII.	
it shall be necessary in any proceeding either for theft or for malicious injury, spoil or damage to or upon any property dedicated to public use, to allege the same to be the property of any person	"	XXXIV.	

	ACT.	SECTION.	CLAUSE.
Criminal Act; the word "property" shall include every thing included under the words "chattel, money or valuable security"	XXXI.	XXXV.	
every principal in the second degree and every accessory before the fact in every case of felony	"	XXXVI.	
persons convicted of offences for which imprisonment shall be awarded, may be imprisoned and kept to hard labour, and in solitary confinement	"	XXXVII.	
natives of the East Indies not born of European parents, not to be transported to the East Coast of New South Wales, &c.	"	XXXVIII.	
Customs Chokies established for the levy of duties of Customs on goods exported by land to, or imported by land from, foreign territories	I.	IX.	
Customs Officer, declaration of value of goods shall be submitted to	"	XXIV.	
shall be allowed 20 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels not exceeding 600 tons, and 30 days exclusive of Sundays and holidays, for the discharge of import cargo of vessels exceeding that burthen	"	XLIV.	
sent on board of any vessel discharging cargo shall be allowed a further period of 15 days for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if it exceed that burthen	"	XLVI.	
shall be sent to watch the cargo of vessels put back for stress of weather during the re-landing or removal of such cargo	"	XLIX.	
amenable to the Civil Courts at Bombay by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts	"	LX.	
Dhories. See Craft.			
Drawback, shall not be allowed on goods shipped on native craft, such as paltamars, dhonies, &c.	"	LIII.	
Duties (Customs); certain regulations of the Bombay Code, prescribing the levy of, repealed	"	II.	
levied on goods imported by sea into the territories subject to the government of Bombay	"	IV.	
levied on country goods exported by sea from any ports of Bombay	"	V.	
levied on goods passing by land into or out of foreign European settlements within the limits of Bombay	"	VII.	
officers to receive money on account of	"	X.	
appointment of officers receiving, to be notified in the official Gazette	"	XI.	
of export or import; ships of any European nation having firman privileges in the port of Surat, not subject to	"	VI.	
See SLIPS.			
levied on goods for which a value has not been fixed, shall be levied <i>ad valorem</i>	"	XXII.	
Estates, remuneration of Ameens, or other persons effecting partition of	XI.	II.	
Excise Duty. See Salt.			
Fee (anchorage) shall be levied at every port subordinate to the Bombay Presidency, according to the burthen on all country craft above the burthen of 100 maunds	I.	LVI.	
Felony. See Criminal Act.			
Fine, the master of a vessel shall be liable to, whose manifest of cargo shall not be found to contain a true specification of goods imported in the vessel	"	XXVII.	
to be levied on masters of vessels refusing to deliver manifests of cargo	"	XXVIII.	
See Masters.			
ditto ditto who shall refuse to allow an officer to search their vessels	"	XXXVI.	
ditto ditto who shall remove from or put on board of vessels any goods on any day when the Custom House is closed without leave of the collector of Customs	"	XXXVII.	
ditto ditto who shall put on board of vessels any goods after the removal from them of the Custom House Officer	"	XLVII.	

	ACT.	SECTION.	CLAUSE.
Fine, to be levied on masters of vessels if goods on account of which drawback has been paid be not found on board their vessels -	I.	XLIX.	
ditto on persons for knowingly contravening the anchorage rules regarding coasting and country craft -	"	LI.	
if any person in charge of a vessel shall become liable to, for any act or omission relating to Customs, the collector of Customs shall be competent to refuse port clearance to such vessel until the fine be paid -	"	LVIII.	
to be imposed on persons who shall obstruct any Customs Officer in the exercise of any powers given him by this Act -	"	LXI.	
ditto on officers appointed under this Act, who shall accept or obtain from any person any property as a consideration for doing or forbearing to do any official act -	"	LXII.	
ditto on officers appointed under this Act for practising any fraud on the Customs Revenue -	"	LXIII.	
to be awarded by Session Judges of Bombay in adjudging a sentence of fine, in like manner as is competent to Magistrates to award fines under Clause First, Section XIII., Regulation XII. 1827, of the Bombay Code	IX.		
Fines shall be paid by owners of vessels for not marking, painting or numbering them, and for not producing certificates of registration, &c. -	XIX.	XIII.	
Functionaries appointed in the province of Kumaon to be placed under the control in civil and criminal cases of the Courts of Sudder Dewanny and Nizamut Adawlut at Allahabad, and in revenue cases under the Sudder Board of Revenue at Allahabad -	X.	II.	
Ganja and Bhang. See Regulations.			
Goods passing in and out of the territory of any native chief not subject to the Presidency of Bombay, declared liable to the duty fixed for British or Foreign bottoms -	I.	VIII.	
See Certificate.			
which may be passed across any frontier guarded by Chokies between sunset and sunrise shall be seized and confiscated -	"	XIV.	
any Chokie officer needlessly injuring under pretence of examination, or who shall wrongfully detain goods for which there shall be produced a sufficient certificate, shall be liable to fine and imprisonment -	"	XVI.	
imported by sea into any port of Bombay liable to same duties as are imposed by Schedule A. of this Act on imports in foreign bottoms -	"	XVII.	
entered into the Schedules of this Act as liable to duty shall be exempted from payment of it under special order from the Governor in Council of Bombay -	"	XVIII.	
admitted to free entry on export and import duty being paid -	"	XIX.	
not allowed to leave any vessel or to be put on board thereof, until entry of the vessel shall have been made at the Custom House -	"	X	
See Confiscation; Boats.			
brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land -	"	XLI.	
remaining on board after 20 days, or after the time allowed in Section XLIV. of this Act, shall be landed and warehoused for the security of the duties chargeable thereon -	"	XLV.	
double duties shall be levied on, liable to duty that may be passed through the Custom House for shipment -	"	XLVIII.	
which are free or have paid import duty, 5 per cent. on the market value shall be levied thereon -	"	"	
on board vessels put back from stress of weather, shall not be allowed to be transhipped or re-exported free of duty -	"	XLIX.	
re-landed before the lading of any vessel is complete the duty upon, shall be returned to the exporter -	"	L.	
See Drawback.			
exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty -	"	LIV.	
brought to any port in any vessel, if transhipped in such port, shall be subject to the same duty as if they had been landed and passed through the Custom House for re-exportation -	"	"	

	ACT.	SECTION.	CLAUSE.
Goods, transhipment of, shall not be made except under special order in writing from the collector of Customs of the port	I.	LV.	
seized vexatiously and unnecessarily, damages shall be adjudged for, with the immediate release of the same	"	LIX.	
Harbour Craft. <i>See</i> Vessels.			
Imprisonment, Chokie officer to be liable to, who shall permit goods to pass across the frontier line, when not covered by a sufficient certificate	"	XV.	
<i>See</i> Fine.			
Judge of Zillah or City Court shall exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by Clause 2, Section II., Regulation IX. 1831, of the Bengal Code	VII.		
<i>See</i> Appeal.			
Justice (one) shall exercise all powers in criminal cases	XXXII.	I.	
to issue warrants of distress for the recovery of arrears of assessment	"	II.	
Lieutenant Governor of the North West Provinces. <i>See</i> Power.			
Manifest of cargo to be delivered by master of vessel arriving at any port of Bombay	I.	XXVI.	
Masters refusing to receive on board their vessels officers and their servants appointed to watch the lading and unlading of the cargo shall be liable to fine	"	XXXV.	
shall be charged with the wages of Customs officers if the whole cargo of their vessels be not discharged within the period specified in this Act	"	XLIV. and XLVI.	
Moonsiffs. <i>See</i> Regulation.			
Murder. <i>See</i> Criminal Act.			
Oath to be administered by a commission appointed to inquire into any charge of malversation against any public servant	VI.		
Officer in charge of a Custom House at Bombay to pass free of duty any baggage in actual use	I.	XVIII.	
Officers. <i>See</i> Duties.			
establishment of, maintained at any port, to be sent on board of vessels to watch their lading and unlading	"	XXXIV.	
competent to require any cabins, lockers or bulkheads of vessels to be opened in their presence	"	XXXVI.	
Palanquin for <i>See</i> Toll.			
Pattamar. <i>See</i> Craft.			
Penalty of 50 rupees, master of vessel liable to, for every missing or deficient package of unknown value of goods entered in manifest	"	XXXI.	
Perjury, any person guilty of, in the Court of Sudder Adawlut at Bombay, shall be committed to custody by that Court, and transmitted to the Zillah Court nearest to the Presidency	IV.	I.	
shall be guilty of, who shall give such fixed, shall be liable a commission appointed to inquire into malversation against any public servant, as, partitigilty of perjury	XXVII.		
Personal Estate, shall extend to leasehold estates and other chattels real, &c.	VI.		
Places, what, within the Presidency of Bombay, shall be ports for landing and shipment of merchandize	XXV.	I.	
Poisoning. <i>See</i> Criminal Act.	I.	XXV.	
Postage Act. <i>See</i> VIII. Act No. XVII. 1837, repealed	XX.	I.	
letters exceeding in weight 12 tolas, and not exceeding 40 tolas, shall be received by Postmasters for transmission by the letter post	"	II.	
letters for despatch being of the description specified in heads, Nos. 1, 2 and 3 of the Schedule A. annexed to Act XVII. 1837, the postage duty thereon shall be levied by rateable increase	"	"	I.
ditto exceeding 12 and not exceeding 40 tolas brought for despatch along a road where there is no regular Bhanggee post established, being certified to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2 and 3 of the Schedule A. annexed to Act XVII. 1837, shall be forwarded by the letter post	"	"	II.

	ACT.	SECTION.	CLAUSE.
Postage Act; letters exceeding 40 tolas being brought for despatch by the letter post at Bhangee rates, may be forwarded under the rules prescribed in the preceding section of this Act	XX.	III.	
letters brought for despatch by Bhangee post shall not be returned on the ground that the post has not been laid for the whole distance to the place of delivery	"	IV.	
fine shall be levied on every person wilfully certifying by writing on any letter, cover or packet delivered at any post-office what is not true in respect to such letter, &c.	"	{ V. VI. and VII.	
incurred on account of letters or packets, shall be demanded by the Postmaster-General	"	VIII.	
goods and chattels of parties not paying, shall be sold by warrant under the hand of magistrates	"	"	
fine, parties, the proceeds of the sale of whose effects shall not equal the amount of, shall be put in prison	"	"	
Postmaster shall detain any letter or packet in respect of which any party shall become liable to a, until it shall be paid	"	IX.	
Powers given to the Governor-General of India in Council by Section I. of this Act may be delegated to the Governor of Bengal, and to the Lieutenant-Governor of the North-West Provinces	XIII.	II.	
given to the collector of Customs by the Governor in Council of Bombay, can be transferred to any other functionary	I.	LXIV.	
Powers. See Judge.			
Principal Sudder Ameen, all persons committed by the, of Sirsee, for the trial before the Court of Circuit for the Western Division of the Madras territories, shall be tried at the sessions of gaol delivery to be held at Honore	XXVI.	I.	
all persons committed by, at Madras, for trial before the Court of Circuit, shall be tried at any sessions of gaol delivery to be held at any station within the Zillah Court of such Principal Sudder Ameen	"	II.	
See Treasure (hidden); Regulation Appeals.			
Real Estate, shall extend to messuages, lands, rents and hereditaments, whether corporeal, incorporeal or personal	XXV.	I.	
Registration of Deeds shall be subject to the payment of the same fees as are prescribed in Section XIV., Regulation XXXVI. 1793	XXX.	III.	
Registry of Deeds, Offices for, may be established at any civil stations	"	II.	
what Regulation and Sections shall not be held applicable to offices and persons established and appointed for	"	IV.	
copying of, shall be paid for according to the established rates of section writing, &c.	"	V.	
on account of the death or absence of any person appointed to register deeds, the Zillah Judge shall appoint any person to take charge of the office of Register of Deeds	"		
of vessels at Bombay of every description, their burthen, and the names of their owners shall be made by the master attendant	XIX.	IV.	XXX.
Regulation I. 1832, of the Bombay Code, repealed	I.	II.	
IV. 1833, of ditto - ditto	"	"	
IV. 1834, of ditto - ditto	"	"	
See Transit or Inland Customs Duties.			
X. 1817, of the Bengal Code, repealed	X.	I.	
XII. 1833, provisions of, to extend to the Court of Principal Sudder Ameen, or Moonsiff	XIII.		
XII. 1827, of Bombay Code, Clause I. Section XXXV. of, repealed	XV.		
XIX. 1814, Bengal Code, Section XV., of, repealed	XI.	"	
V., 1831, Bengal Code, so much of Clause 1, Section XVIII. of, which provides that no suit be referred to a Principal Sudder Ameen, in which the vakeels or officers of his court shall be a party repealed	XXVII.	"	
X. 1819, Bengal Code, Sections LIX., LX. and LXI. of, repealed	XXIX.	"	
XXXVI. 1793, Sections II. and XIV. of, modified	XXX.	"	

	ACT.	SECTION.	CLAUSE.
Regulation IV. 1831, Madras Code, so much of Section III. of, as excepts the liability to attachment or sequestration in certain cases of the grants mentioned in Section II. of the said Regulation, repealed	XXIII.		
XX. 1827, Bombay Code, Sections XX. and XXI. of, repealed	XIX.	I.	
Regulations, all the, of the Bombay Code, passed before the year 1827, with certain exceptions, repealed	I.	II.	
II. and XIII. 1831, of ditto, repealed	"		
III. 1820, and IX. 1831, provisions of, extended to Ganja and Bang	XIV.		
Resistance to salt officer shall be punished in like manner as if it had been offered to the ordinary process of the collector Revenues. See Collector.	II.	VII.	
Rewards to be distributed amongst Customs officers from the proceeds of the sale of goods liable to confiscation	I.	LIX.	
Routes by which goods shall be allowed to pass into or out of any foreign territory, public notice shall be given of	"	XIII.	
Rules to be established for the anchorage of the country, and coasting craft for the delivery of manifests of the cargo of vessels, and for the landing of goods therefrom, and shipping of goods therein	"	LI.	
Salt that has paid the Excise duty fixed by Act No. XXVII. 1837, a certificate shall be granted for, and shall be passed into the interior without the levy of any further duty, either of Excise or of Customs	"	XLIII.	
shall not be manufactured at any place within the territories of the Lieutenant-Governor North-Western Provinces, unless notice be given to the Collector of the district in which the places of manufacture may be situated	II.	I.	
manufactured and stored. The Collector shall, by an order under his seal and signature, depute one or more officers who shall have power to take account of	"	II.	
works, proprietors of, within the North-West Provinces, shall pay to the collector the wages of one officer retained for the supervision of the works at the rate of 10 rupees per mensem	"	III.	
See Wages.			
works producing, of which notice has not been given in the manner prescribed, shall be destroyed	"	IV.	
agent or superintendent of salt chokies, how to act upon information received			
contraband salt is stored in any warehouse, &c.	XXIX.	II. V.	
what quantity of contraband, stated to be clandestinely warehoused, to be	"	III.	
the door of the house where contraband is stored, to be broken open	"	IV.	
it is competent to the head officer of any salt chokie or Aurung to give information of, being in store in a house as prescribed in Section II., and to act thereupon, in pursuance of provisions III. and IV. of this Act	"	VI.	
fixed, shall be liable to a fine or officer refusing to act in the seizure of, shall be fined and dismissed from office	"	VII.	
Estates, remission of, is to be broken open to effect a seizure of, as prescribed in Regulation XX. 1817, and Regulation X., Regulation VII. 1799, of the Bengal Code, shall be observed by the police officers in attendance	"	VIII.	
circumstances under which seizure of, is made, shall be recorded in the office	"	IX.	
when seizure of, is made by an officer of salt department other than an agent or superintendent of chokies, such officer shall report the circumstances of the seizure to his official superior	"	X.	
no, found in store shall be liable to be contraband, unless there shall be more there than one maund or Indian mun	"	XI.	
persons carrying, unaccompanied by a rowanna, shall be apprehended	"	XII.	
officers to stop and search any vessels adapted for sea, that may be found within the limits described in Section XXXIII. of this Act, and to detain them if salt be found thereon unaccompanied by any rowanna, and to take them up for adjudication of the case	"	XIII.	
any person found conveying, without rowanna, in Bengal or Orissa, shall be punished	"	XIV.	

	ACT.	SECTION.	CLAUSE.
Salt, persons failing to pay fine imposed on them for smuggling, liable to imprisonment	XXIX.	XV.	
persons sentenced to imprisonment under Sections XXXI., LXVIII. and LXX. of Regulation X. 1819, Bengal Code, may suffer such punishment in the Foujdarry gaol	"	XVI.	
persons convicted for a second time of gang smuggling to be imprisoned for six months in the Foujdarry gaol	"	XVII.	
agent shall proceed for the recovery of any balance due to Government by the process of distraint	"	XVIII.	
parties preventing the arrest of persons by salt officers, liable to the punishment prescribed in Section LVI., Regulation X. 1819, Bengal Code	"	XIX.	
officer neglecting to convey salt smugglers to the proper salt officer, to be dismissed from office, and to suffer fine and imprisonment	"	XX.	
the party arresting any salt smuggler shall be bound to take the person to the proper officer of the salt department	"	XXI.	
any salt officer vexatiously and unnecessarily seizing any goods on the pretence of searching for salt, to be punished with dismissal from office, with fine and imprisonment	"	XXII.	
any person giving false information in respect of there being illicit, in any house whereby such house shall be searched, to the injury of its owners, shall be liable to imprisonment, &c.	"	XXIII.	
parties convicted of the illegal possession of, and liable to the penalty of five rupees per maund, shall one and all be liable to the whole fine	"	XXIV.	
any assistant to a salt agent or uncovenanted superintendent of salt chokies, shall be vested with power of adjudicating cases of contravention of the salt revenue laws	"	XXV.	
cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. 1819, Bengal Code, for other cases of contravention of the salt revenue laws	"	XXVI.	
persons under engagement with Government for the land revenue, on whose land there shall be any salt works, shall give notice of the same to the nearest public officer of police or land revenue	"	XXVII.	
proprietors or land farmers, &c. who shall knowingly fail to give notice of, manufactured in the lands under their management, shall be liable to fine	"	"	
when there shall be no direct proof of the unauthorized removal of, from any golah, the officer in charge of such golah shall be liable for the offence	"	XXVIII.	
how the cases of persons charged with the contravention of the salt revenue laws, are to be adjudicated	"	XXIX.	
in an ex-parte case, the City or Zillah Judge shall issue orders and institute proceedings authorized by Sections CXI. to CXIII. of Regulation X. 1819, Bengal Code; fines to be levied on the application of the salt agent, &c. under the rules in force for the execution of the decrees of Civil Courts	XXX.		
judgment of any salt agent, &c. shall be final in all cases wherein the salt adjudged to be confiscated shall not exceed 80 maunds, and the fine imposed on the defendant shall not exceed 400 rupees	"		
Zillah and City Judges shall pass final judgment in all cases when the quantity of salt to be confiscated shall exceed 80 maunds, or the fine imposed shall exceed 400 rupees; in all such cases there shall be an appeal open to the Sudder Dewanny Adawlut	"	XXXII.	
within what tract of country the penalties of this Act are to take effect	"	XXXIII.	
Section XV., Regulation XIX. 1814, Bengal Code, repealed	XI.	I.	
Ships of any European nation, having firman privileges in the port of Surat, not subject to duties of import or export	I.	VI.	
Stabbing. See Criminal Act.			
Sudder Boards of Revenue of Calcutta and Allahabad to fix the remuneration of an ameen or other person employed to effect a partition of an estate under regulations enacted for that purpose	XI.	II.	

	ACT.	SECTION.	CLAUSE.
Suit, where a, cannot be referred to a Sudder Ameen, and where the Zillah and City Judges cannot refer such suit to be tried by any other authority, each of the Courts of Sudder Dewanny Adawlut within the Presidency of Fort William shall direct that the cognizance of such suit shall be transferred to any other Zillah or City Court - - -	XXVII.	II.	
Suits presented in the Courts of Judges or collectors at Bombay, which they shall not deem within their jurisdiction, shall be referred by them to those Courts in which the jurisdiction lies - - -	XVI.	"	
the jurisdiction of disputed, at Bombay, shall be decided at the Sudder Dewanny Adawlut - - -	"	II. & III.	
a Court of Adawlut or a Revenue Court at Bombay entering on its file a suit in which it has no jurisdiction, the Sudder Dewanny Adawlut shall direct that the suit be transferred to the Court possessing jurisdiction - -	"	IV.	
in Bombay, regarding tenures, and the nature and extent of the interest which should be enjoyed by the parties concerned, shall be brought in the Courts of Adawlut, and not in the Revenue Courts - - -	"	I.	I.
Sureties of, collectors entrusted with the collection of Revenues of the Bombay Government shall be liable to be proceeded against, in case of default, jointly and severally, in the same manner as their principal is liable to be proceeded against - - -	XVIII.	II.	"
shall pay a sum sufficient to cover any loss which the Government may sustain by the default of the principal -	"	"	II.
shall not be liable to summary imprisonment, provided they pay into the collector's treasury the penalty named in the bond - - -	"	"	III.
may withdraw from their suretyship on their stating to the officer to whom bond has been given their desire to withdraw - - -	"	IV.	
liability of, shall not be affected by the death of principal or by his appointment to a situation different from that which he held when the bond was executed - -	"	V.	
the date from which the liability of, is to commence, shall be stated in the bond - - -	"	VI.	
Treasure, hidden, all powers vested in Zillah or Assistant Judges by Regulation XI. 1832, of the Madras Code, in respect of, shall be vested in principal Sudder Ameen in the Madras Presidency - - -	XII.		
Territory of any native Chief, not subject to the jurisdiction of the Courts and civil authorities of Bombay, may be deemed to be Foreign Territory - - -	I.	VIII.	
Toll, rates of, shall be levied at the Dhore Ghaut, on palanquins, &c. - - -	VIII.	I.	
leviable on palanquins, laden bullocks, &c., the provisions of Act No. II. 1837, shall be applicable to - -	"	II.	
fixed, shall be any article liable to <i>ad valorem</i> duty, and shall be taken to be the value of the articles - - -	I.	XXI.	
Estates, remuneration levying duties on the same - - -			
particulars prescribed of the duties on <i>ad valorem</i> - - -			
Prescription X., Regulation by the owner, &c. upon the face shall, - - - the passing of goods through the Custom House - - -	"	XXIII.	
Vessels, not allowed to break bulk until a manifest shall have been delivered to the collector of Customs: port clearances, cocketts, &c. shall likewise be delivered to him -	"	XXIX.	
employed in the coasts of Bombay, shall be marked or branded with the name of the place to which they belong - - -	XIX.	III.	
employed in the coasts of Bombay, shall have their names, number, burthens, and names of owners, registered in a book - - -	"	IV.	
registered at a subordinate port at Bombay, information thereof shall be given by the registering officer to the master attendant - - -	"	V.	
how and by whom to be marked and branded - - -	"	VI.	
owners of, shall apply for certificates of registry from the person authorized to make such registry - - -	"	VII.	
See Certificate.			
what fees shall be paid by owners of, for certificates of registry - - -	"	X.	

	ACT.	SECTION.	CLAUSE.
Vessels, fees for the registry of, at Bombay, shall be paid to officers appointed by the Governor of Bombay, and to be carried to the credit of Government - - - -	XIX.	XI.	
owners of, shall produce certificates - - - -	"	XII.	
persons seizing, for not being marked and numbered, and for not producing certificates of registration, &c. shall be compensated out of the proceeds of the sale of such vessels - - - -	"	XIV.	
Wages of extra officers employed by the collector to supervise salt works in the North-West Provinces, shall be defrayed by Government - - - -	II.	III.	
Warrants issued by (one) Justice of the Peace shall be deemed legal - - - -	XXXII.	"	
See Justice (one.)			
Will, shall extend to a testament, codicil, &c. - - - -	XXV.	I.	
this Act shall extend to wills of persons whose personal property cannot by the law of England pass to their representatives, without probate or letters of administration obtained in one of Her Majesty's Supreme Courts of Judicature - - - -	"	III.	
it will be lawful for persons to bequeath by, all real and personal estate in law or in equity, and which, if not so bequeathed, will devolve upon the heirs-at-law of them - - - -	"	IV.	
not to be made by any person under the age of 21 years - - - -	"	V.	
made by a married woman not to be valid, except such as might have been made before the passing of this Act - - - -	"	VI.	
to be signed at the foot or end thereof by the testator, or some other person in his presence, and by his direction - - - -	"	VII.	
must be signed in the presence of two or more witnesses - - - -	"	"	
must be subscribed to by witnesses in the presence of the testator - - - -	"	"	
no appointment made by will shall be valid, unless it be executed in the manner required in Section VII. - - - -	"	VIII. & IX.	
if any person who shall attest the execution of a will, be incompetent to be admitted a witness to prove the execution thereof, the will on that account shall not be invalid - - - -	"	X.	
any gift or bequest made to the attestor of the execution of a will shall be null and void - - - -	"	XI.	
any person to whom a legacy may be bequeathed in a will, competent to attest the execution thereof - - - -	"	"	
in case, by any will, any estate shall be charged with debts, the creditor shall be competent to attest the execution thereof - - - -	"	XII.	
an executor to a will not incompetent to be admitted a witness to prove the execution thereof - - - -	"	XIII.	
made by a man or woman, shall be revoked by his or her marriage - - - -	"	XIV.	
shall not be revoked by any presumption of an intention on the ground of an alteration in circumstances - - - -	"	XV.	
no will or codicil shall be revoked, but by another will or codicil - - - -	"	XVI.	
no obliteration, interlineation or other alteration made in any will after its execution shall be valid - - - -	"	XVII.	
no will or codicil revoked, shall be revived, otherwise than by the re-execution thereof - - - -	"	XVIII.	
no conveyance or other act made subsequently to the execution of a will, shall prevent its execution - - - -	"	XIX.	
every will shall be construed to speak and take effect, as if it had been executed immediately before the death of the testator - - - -	"	XX.	
real estate and interest in a will, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, shall be included in the residuary devise - - - -	"	XXI.	
a general devise of the real estate of the testator shall be construed to include any real estate - - - -	"	XXII.	
a bequest of the personal estate of the testator shall be construed to include any personal estate - - - -	"	"	
where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee-simple - - - -	"	XXIII.	

	ACT.	SECTION.	CLAUSE.
Will; the words "die without issue," or "die without leaving issue," shall mean a want or failure of issue in the life-time, or at the time of the death of such person, and not an indefinite failure of his issue - - - - -	XXV.	XXIV.	
any real estate devised to any trustee or executor shall be construed to pass the fee-simple - - - - -	"	XXV.	
where any real estate shall be devised to a trustee without any express limitation, such devise shall be construed to vest in such trustee the fee-simple - - - - -	"	XXVI.	
how any estate devised for an estate tail, or an estate in quasi entail is to be disposed of - - - - -	"	XXVII.	
where any person being a child of the testator to whom any real or personal estate shall be devised, shall die in the life-time of the testator leaving issue, such devise shall not lapse - - - - -	"	XXVIII.	
any soldier being in actual military service, or any seaman being at sea, may dispose of his personal property - - - - -	"	XXIX.	
nothing in this Act shall repeal the provisions of Act No. XX. 1837 - - - - -	"	XXX.	
this Act shall not extend to any will made before the 1st February 1839 - - - - -	"	XXXI.	
Witnesses to be summoned before a Commission appointed to inquire into any charge of malversation against any public servant - - - - -	VI.		
Wounding. See Criminal Act.			
Wuttons. See Suits.			

YEAR 1839.

Abolition of certain dowers. See Dower.			
Agreements. See Dower.			
Allowances of suspended officers. See Officers.			
Amendments in the law of dower. See Dower.			
in the app of inheritance. See Inheritance, (law of.) held			
Arrears of rent from wRent. ed in the			
Bail. See P			
Bank of Bengal, all charter of the Bank bearing date the 29th May 1834, and the Acts No. XIX. of 1836, and No. XXV. of 1838 relating thereto, shall respectively cease to have effect - - - - -		I.	
persons being the proprietors of the capital stock of the Bank of Bengal shall, notwithstanding the determination of the said Charter and Acts, continue to be a corporation - - - - -	"	II.	
all property and securities for property, claims, &c. shall, on the determination of the charter, devolve in and be continued in the Bank of Bengal - - - - -	"	III.	
shall be subject to all debts, demands, &c. outstanding against it, and no suit at law shall cease by the renewal of the bank by virtue of this Act - - - - -	"	"	
shall sue and be sued, and use such seal as the directors shall appoint, competent to acquire property and to transfer the same - - - - -	"	IV.	
capital stock as constituted under the present charter, to continue to be the capital stock of the Bank renewed - - - - -	"	V.	
capital stock to be increased, and the disposal of the amount of the same to be ordered by the Governor General of India in council - - - - -	"	"	
capital stock to consist of 75 lakhs of Company's rupees, and to be divided into shares of 4,000 rupees each, or into quarter shares of 1,000 rupees each - - - - -	"	VI.	
no proprietor to increase his share in the capital stock beyond the amount of one lakh and 60,000 rupees, except under the authority of the Government - - - - -	"	VII.	
a certificate, signed by three directors, shall be delivered to proprietors of shares. Any person who is a proprietor of more than one share may demand a certificate for each of his shares - - - - -	"	VIII.	
shares shall be of the nature of personal estate, and transferable by endorsement - - - - -	"	IX.	
corporate body renewed and continued, shall consist of registered proprietors - - - - -	"	X.	

	ACT.	SECTION.	CLAUSE.
Bank of Bengal; business of the Bank to be managed by nine directors, of whom three shall be appointed and removable by Government. The remaining to be elected by the proprietors, and removable by vote of the majority -	VI.	XI.	
persons who, at the time of the determination of the present charter, shall be directors, shall thereafter continue to be directors -	"	XII.	
two of the directors to go out of office by rotation each year, and when directors going out of office, not to be re-elected at the election which takes place thereupon -	"	XIII.	
in case of death, resignation or absence of any directors, others are to be elected in their stead -	"	XIV.	
a director must be a proprietor in his own right of three shares of 1,200 rupees, and who shall not be a director of any other Bank -	"	XV.	
every election and other matters to be decided by a majority of votes. No person to vote in respect of any share acquired by transfer or purchase than by act of law -	"	XVI.	
scale of votes -	"	XVII.	
proxy in writing to be given to any person desirous of attending any general meeting of the proprietors -	"	XVIII.	
one proprietor can give a proxy in writing to another proprietor -	"	XIX.	
a president to be appointed, in whose absence the senior director shall be vice-president. President and vice-president to have the casting vote -	"	XX.	
three directors to form a board for the transaction of business -	"	XXI.	
all accounts; all instruments not under seal shall be signed by three directors. The seal to be affixed to all instruments in the presence of three directors -	"	XXII.	
directors competent to appoint officers for the conduct of the duties of the bank, and to fix the salaries of such officers. The expense of the establishment not to exceed 60,000 rupees, without authority from Government -	"	XXIII.	
secretary, treasurer, head accountant or khazanchee shall engage in no other commercial business. Persons appointed to any of the said offices to give security in the sum of 50,000 rupees -	"	XXIV.	
in what kinds of business the bank is to be engaged -	"	XXV.	
directors not to discount negotiable security, and not to make loans, but under certain restrictions -	"	XXVI.	
directors not to discount negotiable securities, nor lend any money, and not to advance money on bank share or certificate of shares, nor on mortgage, &c. except under certain restrictions and provisions specified -	"	XXVII. and XXVIII.	
the bank shall not be in advance to the Government more than seven lakhs and a half of Company's rupees what ought to be construed as being in advance to the Government -	"	XXIX.	
directors not to suffer persons to overdraw their account -	"	XXX.	
to issue promissory notes payable on demand, or at a specified date; notes by whom signed; total amount of notes not to exceed two crores of rupees, and no notes to be under 10 rupees -	"	XXXI.	
the transactions of the bank confined to limits of India only -	"	XXXII.	
lawful for the bank to receive in deposit goods not of a perishable kind -	"	XXXIII.	
when the books of the bank are to be balanced, settlement of the balance to be transmitted to Government; the Government entitled to require information touching the affairs of the bank -	"	XXXIV.	
when an account of the profits is to be taken, and a dividend thereof made, the amount of the dividend shall be determined by the directors, who are to set apart from the profits a sum as a reserve against contingencies -	"	XXXV.	
statements of the affairs of the bank to be submitted at yearly general meetings to the proprietors, which general meetings competent to pass resolutions, frame rules, &c. relative to the affairs of the bank -	"	XXXVI.	
three directors or any ten proprietors competent to convene a general meeting of the proprietors -	"	XXXVII.	
formation of branch banks -	"	XXXVIII.	

	ACT.	SECTION.	CLAUSE.
Bank of Bengal; the bank to withhold payment of dividends to proprietors in debt to the bank, and to apply such dividends towards payment thereof. In default of payment, to refuse registration of the transfer of shares of such proprietors; bank when competent to sell shares towards payment of debt -	VI.	XXXIX.	
the continuance, modification and dissolution of the bank -	"	XL.	
Bequest. <i>See</i> Dower.			
Board of Customs, salt and opium. <i>See</i> Charges.			
Bombay and Colaba. <i>See</i> Buildings.			
Buildings; rule for the guidance of persons intending to erect or re-build any buildings within the islands of Bombay and Colaba, coming within 25 feet of the edge or side of any public road, &c. Certificate to be obtained from the collectors of land revenue endorsed by the surveyor to the Court of Petty Sessions -	XXVIII.	II.	
directions for endorsing the certificates, course to be pursued by any party feeling aggrieved by such endorsement being withheld -	"	III.	
party obtaining certificate and endorsement not at liberty to deviate from the original plan of building without previous sanction in writing of the surveyor to the court of Petty Sessions -	"	IV.	
penalty attending non-observance of the foregoing rules and alteration of the certificate and endorsement -	"	V. & VI.	
limitation of height of buildings within the walls of the fort of Bombay, fine in case of infringement -	"	VII.	
no inflammable materials shall be used in the external roof or walls of any building within the fort walls, nor in the external part of any building without the fort walls of Bombay; fine if disobeyed -	"	VIII.	
provision against any buildings being so erected as to interfere with any of the water-courses or draining of the islands; fine if disregarded -	"	IX.	
Court of Petty Sessions empowered to order the removal and discontinuance of any work interfering with water-courses, &c.; penalty to which the owner shall be subject in not obeying such order -	"	X.	
liabilities of persons building within the islands of Bombay and Colaba, who act in any manner contrary to the provisions of this Act -	"	XI.	
ground from any building of which part is situated within 25 feet of the edge or side of the public road, liable to be given up for public purposes if required, the party giving up being entitled to a certain compensation -	"	XII.	
provision with the view of preventing fraudulent evasions as to the giving up of ground under the last section -	"	XIII.	
such ground as may be required to be given up under this Act shall be measured from the exterior of the building itself -	"	XIV.	
Court of Petty Sessions authorized, with the sanction of the government of Bombay, to require any ground within the islands of Bombay or Colaba to be given up for public purposes when required -	"	XV.	
mode of valuation to be observed in paying for ground required to be given up under any of the preceding clauses -	"	XVI.	
valuation to be decided by a jury in the event of owners objecting to that fixed by the court of Petty Sessions -	"	XVII.	
mode of summoning jury for giving effect to the foregoing section -	"	XVIII.	
fees allowed on account of warrants for summoning juries -	"	XIX.	
fund from which money shall be paid to person or persons as a compensation under this Act -	"	XX.	
such compensation shall be paid by the Court of Petty Sessions into the hands of the Accountant General of the Supreme Court of Bombay in every case wherein conflicting claims are set up to any property; whose receipt shall be a sufficient discharge to the said court -	"	XXI.	
remedy against nuisances, punishable by fine -	"	XXII.	
tiled roofs and weather frames allowed under certain provisions -	"	XXIII.	
rule with regard to scaffolding -	"	XXIV.	

	ACT.	SECTION.	CLAUSE.
Buildings; rule with regard to the tiles of roofs - - -	XXVIII.	XXV.	
----- with regard to water-courses and gutters	"	XXVI.	
----- with regard to ruinous buildings; liable	"	XXVII.	
to sale, if not repaired in time - - -	"	XXVIII.	
----- how the various expenses attendant on the pulling			
down of ruinous buildings, and removal of materials,			
shall be met - - -	"		
Builder, Head. <i>See Fines.</i>			
Carpenter, Master. <i>See Fines.</i>			
Certificate. <i>See Buildings.</i>			
Charges; rule prescribed for the investigation of charges of			
official misconduct against officers subject to the control			
of the Sudder Dewanny and Nizamut Adawlut, Sudder			
Boards of Revenue, or the Board of Customs, salt and	XXVI.	II.	
opium - - -			
----- may be preferred direct to either of the Courts of			
Sudder Dewanny and Nizamut Adawlut, Sudder Boards			
of Revenue or Board of Customs, salt and opium, who			
are vested with the discretionary power of examining par-	"	III.	
ties, with or without oath, according to circumstances -			
----- competency of any Judge, Magistrate, Commissioner			
of Revenue or Collector, also to investigate such charges,	"	IV.	
submitting their proceedings to the authority under whose			
control the person accused may be subject - - -	"	V.	
----- circumstances under which charges shall be cogniz-			
able by the Courts of Sudder Dewanny and Nizamut	"	VI.	
Adawlut and the Boards of Revenue, &c. - - -			
----- Courts of Sudder Dewanny and Nizamut Adawlut,			
and said Boards empowered to dismiss charges, where			
they do not see substantial reason to enter into a further			
inquiry, subject to the provisions contained in Section II.	"	VII.	
of this Act - - -			
----- also empowered to institute inquiry, if in the course			
of any proceedings which come before them there shall			
appear any matter affecting the official conduct of cove-			
nanted officers - - -	"	VIII.	
----- mode of conducting the inquiry, when such			
charges are referred to a special Commission of inquiry -	"	XII.	
----- accused shall be permitted to offer observations on			
the result of the inquiry - - -	"	XV.	
----- against principal Sudder Ameens, Sudder Ameens			
and Deputy Collectors. <i>See Sudder Ameens.</i>			
Chinchnee. <i>See Villages.</i>			
Coin, crime of drilling, defacing or debasing, shall be punish-			
able by transportation or imprisonment, not exceeding	XXXI.	I.	
four years - - -			
----- natives of East Indies not transportable to the			
eastern coast of New South Wales, or to any adjacent	"	II.	
islands - - -	"	III.	
----- how far jurisdiction extends - - -			
Colaba. <i>See Buildings.</i>			
Collector. <i>See Tasheldars.</i>			
Commission. <i>See Tasheldars.</i>			
Commission of Inquiry; circumstances under which a Com-			
mission or Commissioner shall be appointed to inquire			
into charges involving the official conduct of covenanted	XXVI.	IX.	
officers - - -			
----- to be guided in their proceedings by the instructions			
they may receive from the government to which they are	"	X.	
subordinate - - -			
----- oath required to be taken by the Commissioner or	"	XI.	
Commissioners - - -	"	XII.	
----- mode of conducting the prosecution - - -			
----- duties imposed upon them, and manner in which	"	XIII.	
their proceedings shall be conducted - - -	"	XIV.	
----- powers vested in them - - -	"	XV.	
----- accused shall be permitted to offer observations on			
the result of the inquiry - - -	"		
----- shall submit their proceedings direct to the Govern-			
ment to which they may be subordinate, accompanied by			
translations of papers not in the English language, together			
with a summary of the pleadings and evidence and opinion	"	XVI.	
on the merits of the case - - -			
----- the authorities under whose control such Commission	"	XVII.	
may be, shall be at liberty to require further evidence if			
the Report of the Commission be wanting in this respect -			

	ACT.	SECTION.	CLAUSE.
Commission of Inquiry; the proceedings and report to be ultimately submitted to Government - - - - -	XXVI.	XVIII.	
— authority for the appointment of, to investigate charges of official misconduct against principal Sudder Ameens, Sudder Ameens and Deputy Collectors - - -	"	XXI.	
Commissioners. <i>See</i> Tasheldars.			
Compensation; fund from which money shall be given to person of persons as compensation under Act XXVIII. of 1839 - - - - -	XXVIII.	XX.	
Complaints against covenanted officers. <i>See</i> Charges.			
Convict. <i>See</i> Judge (Assistant Session.)			
Costs. <i>See</i> Suits.			
Court of Requests, Calcutta. <i>See</i> Décrées.			
Court of Quarter Session at Prince of Wales's Island, Singapore and Malacca, shall try matters made offences by Act No. IV. of 1839, relating to stealing any growing tree, sapling or shrub - - - - -	IV.	VII.	
— of ditto shall not be held to try matters of the above description excepting in the presence of one of the Judges of the Court of Judicature - - - - -	"	"	
Courts (Moonsiffs'.) <i>See</i> Rent.			
Courts Martial; imprisonment, with or without hard labour, or dismissal from service of native soldiers - - - - -	XXIII.		
Covenanted Officers. <i>See</i> Officers.			
Decrees; Court of Requests authorized to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24 Pergunnas, in certain cases - - - - -	XXVII.	I.	
Defence. <i>See</i> Persons.			
Deputy Collectors. <i>See</i> Sudder Ameens.			
Distraint property for the recovery of arrears of rent, regulations relating to, repealed - - - - -	I.	"	
— property to be sold by persons appointed by a collector or officer exercising the powers of a collector, and who are to remunerate themselves by deducting a percentage on the amount of the proceeds of the sale - - -	"	II.	
<i>See</i> Repeal of Acts, &c. Tasheldars.			
Districts; <i>See</i> Ganjam and Vizagapatam.			
Dower; extension of the amendments in the English law of dower contained in the statute 3d and 4th Will. IV. cap. 105, to the territories of the East India Company - - -	XXIX.	I.	
— definition of the meaning of certain words in the Act - - - - -	"	"	
— widows to be entitled to dower out of equitable estates - - - - -	"	II.	
— seisin shall not be necessary to give title to - - -	"	III.	
— no dower out of estates disposed of - - - - -	"	IV.	
— all partial estates and interests and all charges created by any disposition or will of a husband, and all debts, &c. to which his land shall be subject, shall be valid and effectual as against the right of his widow to dower - - - - -	"	V.	
— may be barred by a declaration in a deed, or by a declaration in the husband's will - - - - -	"	VI. & VII.	
— subject to restrictions by a husband's will - - -	"	VIII.	
— devise of real estate to the widow shall bar her dower - - - - -	"	IX.	
— bequest of personal estate to a widow shall not bar her dower - - - - -	"	X.	
— any agreement or covenant not to bar dower may be enforced by a Court of Equity - - - - -	"	XI.	
— legacies in satisfaction of dower entitled to priority over other legacies - - - - -	"	XII.	
— certain dowers abolished - - - - -	"	XIII.	
— this Act to take effect from the 1st July 1840 - - -	"	XIV.	
— construction of the Act - - - - -	"	XV.	
Drilling. <i>See</i> Coin.			
Duties (Port); charges of the port and roadstead of Madras, as anchorage duty, light-house duty, &c. to be commuted into a port duty; upon what vessels levied, and at what rates - - - - -	XIII.	I.	
— (ditto); on vessels sailing under the colours of a Foreign European or American nation, anchoring at Madras, a consolidated duty shall be levied - - - - -	"	II.	
— (Tonnage); shall be levied upon vessels in the port of Madras which, without breaking bulk, shall, after anchoring therein, sail again out of the port - - - - -	"	III.	

	ACT.	SECTION.	CLAUSE.
Duties (Port); all powers, authorities and penalties applicable to the enforcing of the payment of charges of the port and roadstead of Madras, equally applicable to the enforcing of the commuted port duties - - - - -	XIII.	IV.	
Port or Harbour; Government to order the consolidation and commutation of any, into a tonnage duty, leviable at rate specified - - - - -	"	V. & VI.	
(Port), shall be levied by the master-attendant, or by the collector of Customs; if such duties be not paid, port clearance, &c. to be withheld from the vessel, on account of which payment may be refused - - - - -	"	VII.	
(Port or Harbour) all powers, authorities and penalties, by which any port or harbour duty of any subordinate port of any Presidency shall be commuted by virtue of this Act, may have been legally enforced before, shall be applicable to the enforcing thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties imposed by this Act - - - - -	"	VIII.	
(Postage), in modification of Sections VI. and XIV., of Act No. XVII. of 1837, competent to Government to authorize the levy of postage duties at rates different from those specified in Schedules A. and B., annexed to that Act - - - - -	XVII.		
Endorsement. See Buildings.			
Evidence. See Commission of Inquiry.			
Exactions of Rent. See Rent.			
Fees. See Jury.			
Felony See Petty Offence Act.			
Fines; the property of offenders not paying fines, shall be distrained by the magistrate in whose jurisdiction the offenders reside, for the payment thereof - - - - -	II.	I.	
persons not possessing property to pay the amount of fines levied on them, how to be dealt with - - - - -	"	"	
when the extreme amount of fine and imprisonment is not specified, in regard to offenders who may be punishable thereby, the magistrate not to impose any fine exceeding 200 rupees, or to imprison the offender for any term exceeding six months - - - - -	"	II.	
magistrates to receive proof of the commission of offence upon oath, or solemn affirmation, on account of which a person may be punishable by fine - - - - -	"	III.	
the terms "fine" and "fines," shall extend to all "penalties" and "forfeitures" - - - - -	"	IV.	
Fine. See Buildings, also Jury.			
liability of every head-builder, master-carpenter, master-mason or labourer employed in building, &c. in Bombay and Colaba, to the payment of fines, if they offend against the provisions contained in this Act - - - - -	XXVIII.	XIX.	
shall be levied by warrant of two or more magistrates in petty sessions; appropriation; punishment in default of payment - - - - -	"	XX.	
course of proceeding which shall be adopted for the recovery of - - - - -	"	XXI.	
remedy against any irregularity in the proceedings - - - - -	"	XXII.	
Forfeiture; persons not paying the amount of injury done by them for stealing any growing tree, sapling or shrub, within the jurisdiction of the Prince of Wales' Island, Singapore and Malacca, shall be committed to prison with or without hard labour - - - - -	IV.	III.	
See Persons.			
every forfeiture and punishment imposed by Act No. IV. (relative to the stealing of any growing tree, sapling or shrub), on any person maliciously committing any offence, shall be enforced, whether the offence shall have been committed from malice or otherwise - - - - -	"	VI.	
Ganjam and Vizagapatam, districts of, operation of the rules for the administration of civil and criminal justice, &c. to cease to have effect in - - - - -	XXII.	I. & II.	
admission of civil and criminal justice (including the superintendence of police), and the collection of all revenue, to be vested in the collector of Ganjam, and in the collector of Vizagapatam, shall be exercised by them respectively, as age Peace to Governor of Fort St. George - - - - -	"	III.	
of felony, of this Act - - - - -	"	IV.	
	XXI.	I.	

	ACT.	SECTION.	CLAUSE.
Ganjam and Vizagapatam; Governor of Fort St. George to prescribe rules for the guidance of such agents, and to define their duties	XXIV.	IV.	
— upon the receipt of any criminal trials referred by the agents, the Foujdaree Adawlut to pass a final judgment	"	V.	
— upon the receipt of any appeal from a decree of the agents, the Court of Sudder Adawlut to try and determine in the same manner as appeals from the Provincial Courts	"	VI.	
— agents have power to make commitments by warrant under their hand, and to transmit report to Governor in Council for orders	"	VII.	
— Governor in Council competent to make alterations in the limits of the tracts within the aforesaid districts	"	VIII.	
Ground. See Buildings.			
Huck, lawful to prohibit the levy of	XX.	I.	
— orders for such prohibition not to be questioned by any court of law	"	II.	
— levying of hucks, how punished	"	III.	
Inheritance, Law of; extension of the amendments in the English law of inheritance contained in stat. 3d and 4th, Will. IV. chap. CVI. to the territories of the East India Company	XXX.	I.	
— meaning of certain words in the Act defined	"	"	
— descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved	"	II.	
— heir entitled under will, shall take as devisee, and a limitation to the grantor or his heirs shall create an estate by purchase	"	III.	
— where heirs take by purchase under limitations to the heirs of their ancestors, the land shall descend as if the ancestor had been the purchaser	"	IV.	
— brothers and sisters shall trace descent through their parents	"	V.	
— lineal ancestor may be heir in preference to collateral persons claiming through him	"	VI.	
— preference shall be given to paternal ancestors	"	VII.	
— the mother of more remote male ancestors to be preferred to the mother of less remote male ancestor	"	VIII.	
— half-blood, if on the part of a male ancestor, to inherit after the whole blood of the same degree; if on the part of a female ancestor, after her	"	IX.	
— after power of attorney of a person attainted, his descendants may participate	"	X.	
— this Act not to extend to any descent before the 1st July 1840	"	XI.	
— limitations made before the 1st July 1840, to the heirs of a person then living, shall take effect as if the Act had been made	"	XII.	
— declaration of construction of the Act	"	XIII.	
— subject. See Stamp Duty.			
— devise in of the provisions of stat. 3d and 4th Will.			
dower — sec. 28, concerning the allowance of interest			
— bequest of to the territories of the East India Company	XXXII.	I.	
her dower — any agreement. See Villages.			
— be enforced by a Court. See Magistrate.			
— legacies in satisfaction			
— over other legacies all sentences passed by an, whereby			
— certain dowers shall be imprisoned for a period exceeding			
— this Act to take effect	XIX.		
— construction of the Act.			
Drilling. See Coin.			
Duties (Port); charges of the port			
— as anchorage duty, light-house			
— into a port duty; upon what vessel			
— rates — twelve shall be selected			
— (ditto); on vessels sailing in the Islands of Bombay			
— Foreign European or American nation, public purposes with			
— ras, a consolidated duty shall be levied			
— (Tonnage); shall be levied upon	XXVIII.	XVIII.	
— of Madras which, without breaking bulk			
— choring therein, sail again out of the port	"	XIX.	

	ACT.	SECTION.	CLAUSE.
Justice of the Peace. <i>See</i> Magistrate; Petty Offence Act. no Justice of the Peace at Prince of Wales' Island, Singapore and Malacca, being a proprietor or renter of a spice plantation, or otherwise directly interested in the enforcement of the provisions of Act No. IV. of 1839, relative to stealing any growing tree, sapling or shrub, shall have a deliberate voice in trying matters made offences by such Act	IV.	VII.	
Labourers. <i>See</i> Natives. <i>See</i> Fines.			
Lands in the islands of Bombay and Colaba. <i>See</i> Buildings. collector of land revenue, Bombay, authorized to take possession, for the use of Government, of such lands constituting streets, roads or thoroughfares, beyond the limits of the town, as shall become useless for such purposes	XXVIII.	XXIX.	
Magistrate; the term Magistrate, in cases of levy of fines, shall extend to all "joint Magistrates," "persons exercising the powers of a Magistrate," and "Justice of the Peace" - Magistrates and Assistant Magistrates, offences specified in Sections XI. and XXVII. of Regulation XVI. of 1827, and sundry other Sections and Regulations of Bombay Code cognizable by Magistrates and Assistant Magistrates Mason, Master. <i>See</i> Fine. Moonsiffs' Courts. <i>See</i> Rent.	II. XXV.	IV.	
Natives, emigration of, as labourers without the East India Company's territories, prohibited. Persons contracting with natives for labour beyond those territories shall be liable to a fine <i>See</i> Seamen.	XIV.	II.	
Oath to be taken by a Commission of Inquiry. <i>See</i> Commission of Inquiry. Officers (accused of official misconduct) power of suspending, vested in the authority under whose control they shall be	XXVI.	XIX.	
authority to which they are subordinate empowered to pass decision after due investigation; individuals deeming themselves aggrieved to seek redress according to the ordinary forms prescribed by law	"	XX.	
covenanted, mode of investigation, &c. to be adopted in cases of charges of official misconduct against covenanted officers. <i>See</i> Charges.			
suspended, allowance to which they are entitled left discretionary with the authority under whose control they shall be	"	XI	
Penalties. <i>See</i> Fines. Penalty attendant on the non-observance of certain rules connected with buildings in the islands of Bombay and Colaba. <i>See</i> Buildings. <i>See</i> Fines.			
Persons convicted of any offence by virtue of Act IV. of 1840, and who shall have paid the sum adjudged to be paid, together with costs, or shall have suffered imprisonment, shall be released from all further proceedings for the same cause	IV.	III.	
who shall receive any property, the stealing of which is by Act No. IV. punishable, knowing the same to be unlawfully come by, shall be liable to forfeiture and punishment	"	VI.	
tried for any offence allowed to make full answer and defence by counsel, and to have all witnesses examined and cross-examined	XXII.	I. & II.	
held to bail to have copies of examinations of witnesses upon whose depositions they have been held to bail. Copies of such examinations to be refused if not applied for in a certain time; Judge competent to postpone trial for want of such examinations.	"	III.	
under trial entitled to inspect depositions taken against them	"	IV.	
Petty Offence Act; not lawful for Justices of the Peace to sentence persons charged with the commission of felony, or otherwise than according to the provisions of this Act	XXI.	I.	

	ACT.	SECTION.	CLAUSE.
Petty Offence Act; rule, ordinance and regulation for the good order and civil government of the settlement of Fort William, repealed - - - - -	XXI.	I.	
Justices of the Peace to sentence persons stealing property to the extent of 20 rupees - - - - -	"	II.	
ditto to award what punishment and to what period - - - - -	"	III.	
ditto at liberty to commit persons guilty of simple larceny for trial at the Supreme Court - - - - -	"	IV.	
ditto to draw up his judgment, after trying any such offender, in what form of words - - - - -	"	V.	
ditto to transmit to the Supreme Court all judgments of acquittal and conviction passed by them, with the depositions and examinations of the witnesses and prisoners - - - - -	"	VI.	
ditto to swear prisoners, or require them to make solemn affirmation, to cause the depositions of the witnesses, &c. to be reduced to writing, and to sign such writing - - - - -	"	VII.	
persons summoned as witnesses to be punished on refusing to attend - - - - -	"	VIII.	
Justice of the Peace to order the restitution of the property stolen. Persons to be fined for refusing to restore the same, and in default of payment to be imprisoned - - - - -	"	IX.	
persons guilty of assault or battery on board of merchant ships shall be liable to be punished by fine - - - - -	"	X.	
nothing in this Act to affect the remedy of any person aggrieved through the means of the writ of Certiorari - - - - -	"	XI.	
Postage. See Duties.			
Prince of Wales' Island, Singapore and Malacca; peace or revenue officers empowered to enter and search any house or shop in which there shall appear sufficient cause to believe articles, the exclusive privilege of preparing or selling which, has been farmed out to parties, and to seize and take possession of them - - - - -	V.	I.	
persons committing any act in contravention of any of the provisions of Regulations, Nos. II., III., IV. and V. of 1830, passed by the late Governor in Council of the settlements of Prince of Wales' Island, Singapore and Malacca may be searched without a warrant, by a peace or revenue officer; persons to be searched may demand to be taken before some neighbouring Magistrate or Justice of the Peace - - - - -	"	II.	
persons obstructing officers in making search as aforesaid, shall be subject to fine, or in case of non-payment of fine, to imprisonment - - - - -	"	"	
any officer maliciously apprehending or detaining any person on the plea of their having infringed the provisions of the aforesaid Regulations shall pay a fine, and in case of non-payment of it, to be liable to imprisonment - - - - -	"	III.	
any officer committed under the preceding Section, who shall have paid the sum adjudged to be paid by him, or who shall have suffered the imprisonment awarded, shall be released from further proceedings from the same cause - - - - -	"	IV.	
no revenue or peace officer competent to act under this Act, unless appointed in a certain way by the principal civil authority of the station, where such peace or revenue officer may reside - - - - -	"	V.	
persons within the settlements of, waging war against the government of any power in alliance with the government of the Company, or attempting to wage such war, shall be guilty of felony, and be liable to transportation or imprisonment - - - - -	X.	I.	
ditto, ditto; receiving any property, knowing the same to have been taken from any power in alliance with the government of the Company, in the prosecution of war against such power, shall be guilty of felony, and be liable to transportation, or imprisonment, with or without hard labour - - - - -	"	II.	
assessment to be levied on dwelling-houses, &c. at George Town, &c. - - - - -	XII.	"	
assessment to be levied on dwelling-houses, &c. beyond the limits of George Town, &c. - - - - -	"	III.	
dwelling-houses, &c. of value less than six Spanish dollars, exempted from assessment - - - - -	"	IV.	
chief civil officer to fix the limits of the town of George Town, &c. in order to the determination of the rates of assessment - - - - -	"	V.	

	ACT.	SECTION.	CLAUSE.
Prince of Wales' Island, Singapore and Malacca; religious edifices, hospitals, cemeteries, &c. appropriated to charitable purposes, exempted from assessment - - -	XII.	VI.	
houses, bungalows, &c. within any military cantonment, and occupied by officers, soldiers and sepoy, exempted from assessment - - -	"	VII.	
a tax to be levied on all carriages, carts and cattle at rates specified - - -	"	VIII.	
chief civil officer authorized to appoint officers for the collection of assessment and taxes; officers so appointed subject to the same responsibility as those employed in the collection of land revenue - - -	"	IX.	
in default of payment of assessment, property to be distrained and sold; overplus of sale to be made over to owners - - -	"	X.	
officers collecting assessment competent to sue defaulters for the recovery of arrears through a court of justice - - -	"	XI.	
persons who claim exemption from the payment of assessment, should pay the same on demand, and afterwards appeal against such demand to Justice of the Peace sitting in general quarter sessions - - -	"	XII.	
watching, cleansing, lighting and repairing of the streets and thoroughfares in George Town, &c. and repairing roads, bridges, &c. to be effected out of the funds collected from the assessment - - -	"	XIII.	
detailed statements, exhibiting the sums collected under the heads of cesses and taxes, and showing the disbursements to be furnished by the officer collecting the assessment. The statement so prepared shall be published in the newspapers - - -	"	XIV. & XV.	
officers appointed to collect the assessment to be subject to the chief civil authority of the incorporated settlement - - -	"	XVI.	
palanquin, carriage, cart, &c. to be registered by police officer; owner of any conveyance in omitting to register the same to pay a forfeit, in default of the payment of which, his goods to be distrained - - -	"	XVII.	
assessment to be paid half-yearly in advance - - -	"	XVIII.	
forfeit to be paid by owner of vehicles for not placing numbered boards on them - - -	"	XIX.	
in case of any change in the occupation of any dwelling-house, the same assessment to be levied as before. The same rule to hold in reference to assessment levied on goods and chattels of the occupiers - - -	"	XX.	
the owner of a dwelling-house not let to any tenant, shall be deemed the occupier thereof; abatement of assessment to be made if the premises have not been inhabited for a period of three months - - -	"	XXI.	
no assessment shall be impeached or affected by reason of any mistake in the name of any person, or any thing chargeable with assessment or tax - - -	"		
land occupied in the settlements without a grant or title from Government duly registered, and which has not been declared free from assessment, shall be liable to assessment - - -	XVI.	II.	
persons holding land in the settlements as by the preceding section, to remove from it on notice being given to that effect, and on refusing to do so, to be ejected and the land taken possession of; persons who have filed their claim to exemption from assessment on land shall not be liable to ejectment until their claim shall have been determined - - -	"	III.	
magistrates and police officers to aid collector and his officers in the ejectment. Holders of land resisting such ejectment, and persons who shall be aiding such resistance, shall be fined, and in default of payment of the same, shall be imprisoned - - -	"	IV.	
persons desirous of clearing and occupying waste and forest lands in the settlements to make application to the collector of land revenue. If there be cause to prevent the immediate measurement of land which is to be leased, the collector to issue to the applicant a permit or written authority to clear and occupy such land. On land thus occupied, the collector to demand and enforce the payment of rent with certain provisions - - -	"	V.	

	ACT.	SECTION.	CLAUSE.
Prince of Wales' Island, Singapore and Malacca; on land being leased, the applicant to set up good land-marks, and to keep them in repair. If land-marks be not kept in repair, the collector to cause the repairs to be made, and levy three times the cost of such repairs from the holder of the land. Persons resisting the collector in his removing or defacing any land-mark shall be punished as provided in the IVth Section of this Act	XVI.	VI.	
all applications to hold lands for a term exceeding that specified in Section V. to be forwarded to the Government of Bengal	"	VII.	
every lease to be signed by the collector, and to specify the name of the leaseholder, the quantity of the land and the rate of rent. These particulars to be entered in a register	"	VIII.	
collector to accept on the part of Government surrender of a grant or lease by parties for the purpose of subdividing the same, and re-grant or lease the same in parcels. No subdivision allowed unless all arrears of rent are paid up	"	IX.	
payment of rent of land to be made in the office of the collector	"	X.	I.
collector to demand rent by notice in writing, in default of payment of which the amount, with costs of process, to be recovered under the powers of this Act	"	"	II.
notice, how to be served	"	"	III.
one rupee to be charged for serving notice, which, if not paid, shall be leviable, in the same manner as arrears of rent	"	"	IV.
attachment to be issued against the holder of land for not paying arrear of rent, and the collector to seize the personal property of the holder, and to bring the same to sale by public auction	"	"	V.
attachment to be made by whom seal to be set on property, and an inventory thereof taken. The assistance of the police to be availed of in case of resistance	"	"	VI.
for an attachment two rupees shall be charged; leviable by sale of attached property if not paid on demand	"	"	VII.
land on account of which arrear of rent shall be demanded and not paid, shall be sold, and in what manner	"	"	VIII.
two rupees to be deducted for advertisement, and one per cent. on the net proceeds of sale	"	"	IX.
persons having an interest in any property, may prevent the sale thereof by paying the rent in arrear, with interest and all legal expenses	"	"	X.
summary process to be held applicable to arrears of rent due within the period of one year	"	"	XI.
persons having objections to the seizure of their personal property at liberty to represent such objections to the collector. If the call adhere to the seizure, application released &ress to be made to any Civil Court	"	"	XII.
no lease of property to be stayed without a deposit of money to the amount of arrears of rent, or without substantial security	"	"	XIII.
mutations in reference to land, how to be registered	"	"	XIV.
no mutations shall be registered unless the boundaries of the lands are defined by land-marks. Holders to keep land-marks in repair, in default of which they shall be liable to a forfeit	"	XI.	I. & II.
what fee to be charged for the register, for inspecting the register, and for granting a certified extract from the register	"	"	III.
registry of mutation not of itself to establish legal title to land, nor bar any rights questioned judicially. Deed to be registered in the collector's office to render it valid, and to be received in evidence as a legal instrument	"	"	IV.
nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription	"	"	V.
Regulations of the Bengal Code, giving authority to any person to sell distrained property for the recovery of arrears of rent, repealed	"	XII.	
	I.	I.	

	ACT.	SECTION.	CLAUSE.
Regulations of the Bengal Code, giving powers to persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, &c., applicable to all parties appointed for the sale of such property under this Act -	I.	III.	
Rent; no person is, by reason of place of birth, or by reason of descent, in proceedings connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts -	III.	I.	
no proceeding connected with arrears and exactions of rent instituted in any Revenue Courts, and no decree passed in such proceeding by such Courts, shall be treated as invalid by reason of the place of birth or descent of any party -	"	II.	
no person shall by reason of place of birth, be in any civil proceeding connected with arrears or exactions of rent excepted from the jurisdiction of Moonsiffs' Courts <i>See Distrained Property.</i>	"	III.	
Repeal of Acts and Regulations; Section XXIII. of Regulation XXVIII. of 1802 of the Madras Code repealed; and commissions for the sale of distrained property appointed under the provisions of that section annulled -	VII.	I.	
Repeal of ditto and ditto; Regulation I. of 1827, repealed -	XII.	"	
Acts No. XXXII. of 1837, and No. V. of 1837, repealed -	XIV.	"	
<i>See Petty Offence Act.</i>			
Act No. XXIII. of 1836, repealed -	XXIV.	"	
Regulation IV. of 1831, repealed, and certain other clauses and sections of Regulations of Bombay Code, so far as they relate to the penal jurisdiction of collectors as magistrates, repealed -	XXV.		
sections and clauses of sundry Regulations, relating to charges of corruption; to covenanted servants, &c., repealed -	XXVI.	"	
certain articles of Rule, Ordinance and Regulations of 1812 and 1815, passed by the Government of Bombay, repealed -	XXVIII.	"	
Ruinous Buildings. <i>See Buildings.</i>			
Scaffolding. <i>See Buildings.</i>			
Seamen (Native) Act; not applicable to, who freely contracts to navigate such vessel, or embarks in the capacity of a menial servant -	XIV.	III.	
Security; liability of persons preferring charges against covenanted officers for official misconduct to furnish security -	XXVI.	VII.	
Stamp Duty or Institution Fee not payable in appeals to Her Majesty in Council -	XI.		
Stealing any growing tree, sapling, or shrub, &c. within the jurisdiction of Prince of Wales' Island, Singapore and Malacca, how punished -	IV.	I.	
Every sum of money forfeited for stealing any growing tree, sapling, &c. within the jurisdiction of Prince of Wales' Island, &c. shall be paid to the party aggrieved -	"	II.	
Sudder Dewanny and Nizamut Adawlut. <i>See Charges.</i>			
Sudder Boards of Revenue. <i>See Charges.</i>			
Sudder Ameens (Principal and other, and Deputy Collectors); authority for the appointment of Commissioners to investigate charges of official misconduct against them -	XXVI.	XXI.	
Sugar Act; foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, not to be landed in any part of the Madras territories, under pain of confiscation -	XV.	I.	
persons desiring to obtain certificate of origin of sugar, shall in the presence of the officer granting such certificate make and subscribe a declaration in the form of Schedule, marked A. annexed to this Act -	"	II.	
officer before whom a declaration in the form of Schedule A. shall have been made, shall grant to the declarant a certificate in the form of Schedule, marked B annexed to this Act -	"	III.	
persons intending to ship sugar shall produce to the collector of Customs a certificate such as is above described, and to make and subscribe a declaration in the form of Schedule, marked C. annexed to this Act -	"	IV.	

	ACT.	SECTION.	CLAUSE.
Sugar Act; the officer to whom such certificate shall have been produced, and before whom such declaration shall have been so made, shall grant to the person who has subscribed to such declaration a certificate in the form of Schedule, marked D. annexed to this Act	XV.	V.	
persons knowingly affirming an untruth in making any declaration, shall be punished by fine and imprisonment, with or without hard labour	"	VI.	
this Act to come into operation one year after the date of its publication	"	VII.	
Suits for the recovery of fines. <i>See Fines.</i>			
preliminaries necessary previous to commencing any action or suits against parties coming under this Act, and forms which shall be observed at different stages of proceedings	XXVIII.	XXXIV.	
<i>in formâ pauperis</i> to be instituted in Civil Courts, in what conditions	IX.	I.	
pleadings in, on the part of the defendant to be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take to be furnished him on unstamped paper. Defendant not required to deposit Vakeel's fees. The conditions on which the Court shall calculate the whole of the costs, and to whom to charge the same, and in what proportions	"	II.	
nothing contained in this Act to extend to suits <i>in formâ pauperis</i> in Her Majesty's Courts	"	III.	
Suspended officers. <i>See Officers.</i>			
Tasheldars of Bombay vested with the powers of Commissioners for the sale of property distrained for arrears of rent	VII.	II.	
to be subject to the control of the collector instead of the Zillah Judge, except in judicial proceedings	"	III.	
to be subject to same liabilities to which they are subjected by Section X., Regulation IX. of 1822 of the Madras Code	"	IV.	
entitled to no fee or commission for selling distressed property	"	V.	
have authority to delegate powers vested in them to any public servants placed under their authority	"	VI.	
Thuggee, persons guilty of the crime of, in what Court to be tried	XVIII.		
Tiled roofs. <i>See Buildings.</i>			
Transportation. <i>See Coin.</i>			
Tree. <i>See Stealing.</i>			
Villages comprising the <i>dagheer</i> of Chinchnee subject to all Acts and Regulations in force within the Bombay territories	VIII.		
Vizagapatam. <i>See Ganjam and Vizagapatam.</i>			
Warrant. <i>See Jury.</i>			
Water Courses. <i>See Buildings.</i>			

EAST INDIA.

COPY of INDEX to the Acts of the Supreme
Government of *India*, for the Years 1838 and
1839.—(Pursuant to Act.)

Ordered, by The House of Commons, to be Printed,
10 June 1841.

397.

Under 4 oz. }

ACTS of the Government of India.

ACT No. I. of 1834.

Passed by the Right Honourable the Governor-General of India in Council, on the 20th November 1834. ACTS of 1834

BE it enacted, that all Acts done by the Governor-General of India in Council, or by the Vice President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-General in Council, or by the said Vice President in Council, between the 22d of April 1834, and the 14th of November 1834, shall be valid and effectual, to all intents and purposes, as if the said Acts had been done before the said 22d day of April 1834.

ACT No. II. of 1834.

Passed by the Right Honourable the Governor-General of India in Council, on the 20th November 1834.

BE it enacted, that each of the secretaries to the government of India and to the government of Fort William in Bengal, shall be competent to perform all the duties, and to exercise all the powers which by any Act of Parliament or any Regulation now in force, are assigned to the chief secretary to the government of Fort William in Bengal; and that each of the secretaries to the government of Fort St. George and Bombay respectively, shall be competent to perform all the duties, and to exercise all the powers which by any Act of Parliament or any Regulation now in force, are assigned to the chief secretaries to the governments of Fort St. George and Bombay respectively.

ACT No. I. of 1835.

Passed by the Right Honourable the Governor-General of India in Council, on the 7th January 1835. ACTS of 1835

BE it enacted, that from the day on which the Governor of the Presidency of Madras next enter within the limits of the said presidency, till he shall have been sworn, or till the said Governor shall arrive at the place where he shall first happen; all officers, civil and military, in the said Presidency, shall obey such orders as they may receive from the Governor, and that the orders of the said Governor shall be obeyed by such officers as the orders of the said Governor shall require.

ACT No. II. of 1835.

Passed by the Right Honourable the Governor-General of India in Council, on the 12th January 1835.

BE it enacted, that the functionaries who are or may be appointed to the provinces of Assam, Arracan, and Tenasserim, be henceforth placed under the control and superintendence, in civil cases of the court of Sudder I Adawlut, in criminal cases of the court of Nizamut Adawlut, and in cases of the Sudder Board of Revenue, and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive from the government of Fort William in Bengal.

ACTS OF THE

1835.

ACT No. III. of 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th February 1835.

BE it enacted, that no new claims shall be admitted under the provisions of Regulation I. 1821, Regulation I. 1823, and clause 2, section X. Regulation I. 1829.

II. And be it enacted, that all such claims shall hereafter be cognizable only in the regular courts of justice, and shall be tried and determined in like manner with all other suits, in conformity with the provisions of the General Regulations, and without reference to the provisions of Regulations referred to in the preceding section of this Act.

III. And be it enacted, that the Commissioners and the Sudder Board of Revenue shall investigate and decide all cases pending before them respectively, and that the Sudder Board shall continue to admit and decide appeals from the decisions of the Commissioners in the same manner as they were empowered to do before the passing of this Act; provided that it shall be competent to the government of the presidency to transfer any part of the duties aforesaid to any court or officer.

ACT No. IV. of 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th March 1835.

BE it enacted, that from the 14th day of March 1835, all powers whatever in criminal cases, which by virtue of any law now in force, may be exercised by justices of the peace for the town of Calcutta, shall be exercised by one such

ACT No. V. of 1835.

by the Right Honourable the Governor-General of India in Council
on the 13th March 1835.

acted, that such parts of any of the Regulations in force as authorize mooniffs within the presidency of Fort St. George to receive any fee on for duties performed by them, are hereby rescinded; and district that presidency shall not be entitled to receive any emolument and their fixed monthly allowances.

ACT No. VI. of 1835.

the Right Honourable the Governor-General of India in Council on
the 13th March 1835.

enacted, that the functionaries who are or may be appointed to the charge of the Cossyah Hills, or to the superintendence of the territory, be henceforth placed under the control and superintendence, in civil the Court of Sudder Dewanny Adawlut, and in criminal cases of the Nizamut Adawlut; and that the officers so appointed in the territory or be placed, in revenue cases, under the control and superintendence of the Board of Revenue, and that such control and superintendence of the Court and Board shall be exercised in conformity with such instructions the said functionaries may have received, or may hereafter receive from the Government of Fort William, in Bengal.

397.

Under 4 oz.

GOVERNMENT OF INDIA.

ACTS of 1835.

ACT No. VII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 8th June 1835.

BE it enacted, that it shall be competent to the Governors of the presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the secretary to government in the judicial department, to transfer any part, or the whole of the duties connected with criminal justice, from any commissioner of circuit to any session judge, and to define the powers which shall be exercised by each respectively.

ACT No. VIII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 8th June 1835.

BE it enacted, that such parts of clause 7, section XV. Regulation VII. of 1799, of the Bengal code, and other Regulations in force as vest the judge to the Dewanny Adawlut with the power of bringing to sale, in execution of summary decrees for rent, the talook or other tenure of the defaulter, and so much of clause 3, section XXIII. Regulation VII. of 1822, of the same code, as prohibits collectors from selling land in satisfaction of summary awards for arrears of rent which may have accrued thereon, be rescinded, and that the power hereby vested in the judges of the Dewanny Adawlut of selling land in satisfaction of summary decrees for rent, be transferred to the collectors of land revenue.

II. And be it enacted, that all sales for the recovery of arrears of revenue, held under clause 7, section XV. or clause 6, section XXIII. or section XV. Regulation VII. of 1799, shall be public, and be conducted by the collector, his deputy, or duly authorized assistant, and that ten days' notice be given of such sales, by advertisement, to be stuck up at the cutcherry of the taluk court or local Adawlut, and that of the collector.

ACT No. IX. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 6th June 1835.

I. BE it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient to vest the duty of superintending chokees in officers not being covenanted civil servants, to limit the powers exercised by them in such manner as he may be pleased to direct.

II. When the Governor of Bengal shall appoint superintending chokees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the salt revenue which are declared in such officers by sections XCVI., CIX., and other provisions of Regulation X. 1819 of the Bengal code, it shall be competent to the Governor of Bengal to invest with those powers any judicial or revenue officer of the Government, giving notice thereof in the Government Gazette, and every person invested with the said powers shall exercise the said powers in all respects prescribed in Regulation X. 1819 of the Bengal code, for salt agents and superintending officers of chokees.

III. Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation, or by any other Regulation of the government of Bengal, in superintending officers of chokees being covenanted civil servants.

IV. First. In modification of the rule contained in section LXXXIX. of Regulation X. 1819 of the Bengal code, the following scale of rewards is established for officers and others making seizures of salt.

ACTS OF THE

ACTS of 1835.

Second. Upon the adjudication of a forfeiture of salt, provided the parties concerned in the attempt to evade or violate the law, be likewise convicted, the officers of the salt department under the grades of agent and superintendent, if they have made the seizure upon information laid, or under orders of their superiors, shall be entitled to a reward at the rate of eight annas per maund of merchantable salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the salt officers shall be only at the rate of five annas per maund.

Third. If salt be seized by any subordinate officers of government possessing authority to make seizures without information from others, or orders from their superior, the reward shall be at the rate of one rupee per maund if the offenders be convicted, and eight annas if no offenders be convicted.

Fourth. Informers, whether officers of government or not, shall, on the adjudication of salt to forfeiture that may have been seized on their information, receive eight annas per maund if the offenders be convicted, and five annas if there be no conviction.

ACT No. X. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the 6th July 1835.

BE it enacted, that the production of a Government Gazette of any province, containing an Act purporting to have been passed by the Governor-General in Council, shall be held in all courts sufficient proof that such Act has been so passed.

ACT No. XI. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the 3d August 1835.

BE it enacted, that from the 15th day of September 1835, the four Regulations hereinafter specified be repealed.

—A Regulation for preventing the establishment of printing-presses, with a view to the restraint, under certain circumstances, the circulation of books and papers, passed by the Governor-General in Council on the 14th April 1823.

—A Rule, Ordinance, and Regulation for the good order and civil government of the settlement of Fort William in Bengal, passed in Council 14th April 1823, and registered in the Supreme Court of Judicature 4th April 1823.

—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing newspapers, and periodical and other printed papers, by persons unknown, passed by the Honourable the Governor-General of Bombay, on the 2d day of March 1825, and registered in the Supreme Court of Judicature at Bombay, under date the 11th March 1825.

—A Regulation for restricting the establishment of printing-presses, and the circulation of printed books and papers, passed by the Governor-General in Council on the 1st January 1827.

And be it enacted, that after the said 15th day of September 1835, no printed periodical work whatever, containing public news, or comments on public affairs, shall be published within the territories of the East India Company, except in conformity with the rules hereinafter laid down.

And be it enacted, that the printer and the publisher of every such periodical work shall, before the magistrate of the jurisdiction within which such work shall be printed, and shall make and subscribe, in duplicate, the following declaration of

1. B., declare that I am the printer (or publisher, or printer and publisher) of the periodical work entitled _____, and printed (or published) at _____.

Under 4. 02.

BE it enacted, that from the 15th day of September 1835, the four Regulations hereinafter specified be repealed.
 —A Regulation for preventing the establishment of printing-presses, with a view to the restraint, under certain circumstances, the circulation of books and papers, passed by the Governor-General in Council on the 14th April 1823.
 —A Rule, Ordinance, and Regulation for the good order and civil government of the settlement of Fort William in Bengal, passed in Council 14th April 1823, and registered in the Supreme Court of Judicature 4th April 1823.
 —A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing newspapers, and periodical and other printed papers, by persons unknown, passed by the Honourable the Governor-General of Bombay, on the 2d day of March 1825, and registered in the Supreme Court of Judicature at Bombay, under date the 11th March 1825.
 —A Regulation for restricting the establishment of printing-presses, and the circulation of printed books and papers, passed by the Governor-General in Council on the 1st January 1827.
 And be it enacted, that after the said 15th day of September 1835, no printed periodical work whatever, containing public news, or comments on public affairs, shall be published within the territories of the East India Company, except in conformity with the rules hereinafter laid down.
 And be it enacted, that the printer and the publisher of every such periodical work shall, before the magistrate of the jurisdiction within which such work shall be printed, and shall make and subscribe, in duplicate, the following declaration of

GOVERNMENT OF INDIA.

3

ACTS 1835.

lished, or printed and published) at .” And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

Third.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

Fourth.—As often as the printer or the publisher, who shall have made such declaration as is aforesaid, shall leave the territories of the East India Company, a new declaration from a printer or publisher, resident within the said territories, shall be necessary.

III. And be it enacted, that whoever shall print or publish any such periodical work, as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

IV. And be it enacted, that each of the two originals of every declaration, so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the said magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's court within the jurisdiction of which the said declaration shall have been made, and the officer in charge of each original shall allow any person to inspect that original, on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the court which has the custody of the original, on payment of a fee of two rupees.

And be it enacted, that in any legal proceeding whatever, as well civil as criminal, the copy of such a declaration as is aforesaid, attested by the seal of some court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be evidence in law against the person whose name shall be subscribed to state of fact, and the said person was printer or publisher, or printer and publisher, and the records of the said declaration may be), of every portion of every periodical work mentioned in the said declaration.

f. Provided always, that any person, who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any magistrate, and make and subscribe, in duplicate, the following declaration:

“ I, A. B., declare that I have ceased to be the printer or (publisher, or printer and publisher), of the periodical work entitled .” And each original of the latter declaration shall be authenticated by the signature and official seal of the magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration; and the officer in charge of each original of the former declaration shall allow any person applying to inspect that original, on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the court having custody of the original, on payment of a fee of two rupees; and in all trials in which the original of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration; and the former declaration shall not be taken to be evidence in law against the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the 1st day of September 1835, within the territories of the East India Company, shall have printed legibly on it the name of the printer and of the publisher, the place of printing and of publication; and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding 5,000 rupees, and by imprisonment for a term not exceeding two years.

ACTS OF THE

ACT of 1835.

VIII. And be it enacted, that after the said 15th day of September 1835, no person shall, within the territories of the East India Company, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the magistrate of the jurisdiction wherein such press may be; and whoever shall keep in his possession any such press, without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding 5,000 rupees, and by imprisonment for a term not exceeding two years.

"I, A. B., declare that I have a press for printing at this last blank shall be filled up with a true and precise description of the premises where such press may be. And

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

ACT No. XII. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the
3d August 1835.

Be it enacted, that Regulation IV. 1829, of the Madras code, entitled Regulation for annulling the Sunnuds-i-Milkeut Istimrar issued for the Zemindars of Nozeed and Ellore, in the zillah of Masulipatam, and for empowering the government to issue new sunnuds for the same; and Regulation IV. 1829, of the same code, entitled a Regulation for suspending the provisions of Regulation IV. 1829, be rescinded.

ACT No. XIII. OF 1835

By the Honourable the Governor-General of India in Council on the
3d August 1835.

3d August 1835.

Resolved, that it shall be competent to the Court of Sudder Fouzdarry
—A F the presidency of Bombay to direct, that any person accused of any
e, subject to the jurisdiction of the courts of the East India Company,
book d in any zillah of the said presidency.

ACT No. XIV. OF 1835.

by the Honourable the Governor-General of India in Council on the
3d August 1835.

enacted, that it shall henceforth be competent to the Governor of Bombay Council, by an Order in Council, to appoint any military officer in the service of the East India Company, a magistrate, or an assistant magistrate, in the districts, or zillahs, and to confer on any assistant magistrate, by a special order, the powers of a magistrate.

ACT No. XV. of 1835.

by the Honourable the Governor-General of India in Council on the
3d August 1835.

the said first. — BE, I will make a that from the first day of September 1835, section
 ment of of the Madras code, be rescinded.

I, B., declare that I am not if a witness duly summoned by the Court of
of the periodical work intelligible shall not attend, or shall refuse to give
evidence

GOVERNMENT OF INDIA.

evidence in the manner prescribed by the existing law, that court may impose on such witness a fine, not exceeding 500 rupees, and may commit him to the gaol of the zillah court nearest to the presidency, until he shall consent to give his evidence in the manner prescribed. And if the said witness shall not pay the fine imposed on him, it shall be lawful for the said Court of Sudder Udalut to direct him to be kept in confinement for a further term not exceeding three months.

II. If any person shall be guilty of contempt of the court of Sudder Udalut in open court, the court may immediately punish the offender by fining him in a sum not exceeding 500 rupees, or by committing him to custody in the gaol of the zillah court nearest to the presidency, for a term not exceeding six months.

III. If it shall appear to the Court of Sudder Udalut that any person has been guilty of wilful and corrupt perjury in any matter depending in that court, that court may immediately commit the offender to custody, and transmit him to the zillah court nearest to the presidency, in order to his being brought to trial before the court of circuit of the division in which such zillah court may be situated; and such person shall be dealt with in the same manner as if the perjury had been committed within the limits of the local jurisdiction of such court of circuit.

ACT No. XVI. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the 3d August 1835.

It enacted, that from the 1st of November 1835, so much of section II. of Regulation V. of 1830 of the Bengal code, as provides that persons, instigating or inducing ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement by a ryot, together with all expenses and costs of the suit; and section III. of the same Regulation, providing that persons, contracting for the cultivation of opium plant, who shall wilfully neglect or refuse to sow or cultivate the same, as specified in their engagement, shall be deemed guilty of a breach of the same, and liable to punishment, be rescinded.

ACT No. XVI.

Passed by the Honourable the Governor-General of India in Council on the 17th August 1835.

I. BE it enacted, that from the 1st day of November 1835, the following silver coins only shall be coined at the East India Company: a rupee, to be denominated as such, and to be of the value of one rupee, a quarter rupee, and a double rupee; and the standard shall be 180 grains troy, and the standard shall be

$\frac{11}{12}$ or 165 grains of pure silver
 $\frac{1}{12}$ or 15 grains of alloy,

and the other coins shall be of proportionate weight and of the same standard as the rupee. II. And be it enacted, that these coins shall bear on the obverse the effigy of the reigning sovereign, and on the reverse the designation of the coin in English and the words "East India Company" in English, with such emblem as shall from time to time be ordered by the Governor-General in Council.

III. And be it enacted, that the Company's rupee, half rupee, and quarter rupee, shall be a legal tender in satisfaction of all engagements, provided the coin shall not have lost more than two per cent. in weight, and provided the coin shall not have been clipped, or filed, or have been defaced otherwise than by use.

IV. And be it enacted, that the said rupee shall be received as equivalent to the Bombay, Madras, Furruckabad, and Sonat rupees, and to fifteen-sixteenths of the Calcutta sicca rupee, and the half and double rupees respectively by the said Bombay, Madras, Furruckabad, and Sonat rupees, and to the half and double of five-sixteenths of the Calcutta sicca rupee.

ACTS OF THE

ACTS of 1835.

V. And be it enacted, that the Company's quarter rupee shall be a legal tender only in payment of the fraction of a rupee.

VI. Provided, that if in any contract for the payment of Calcutta sicca rupees, it shall have been specially stipulated that if payment be made in the territories of the Madras, Bombay, or Agra presidency, it shall be made in the rupees now current in those presidencies respectively, at a different rate from that above provided with reference to the Calcutta sicca rupee, the contract shall be satisfied by payment within those presidencies of Company's rupees of the amount of Furruckabad, Madras, or Bombay rupees so especially stipulated; provided also, that if payment of the principal or interest of the public debt be made for the convenience of creditors at any public treasury other than as stipulated in the notes and engagement of the government, it shall be competent to the government to make such payments at the same exchange as heretofore.

VII. And be it enacted, that the undermentioned gold coins only shall henceforth be coined at the mints within the territories of the East India Company.

First.—A gold mohur or 15 rupee piece of the weight of 180 grains troy, and of the following standard; viz.

$\frac{11}{12}$ or 165 grains of pure gold,
 $\frac{1}{12}$ or 15 grains of alloy,

Second.—A five rupee piece equal to a third of a gold mohur.

Third.—A ten rupee piece equal to two-thirds of a gold mohur.

Fourth.—A 30 rupee piece or double gold mohur; and the three last mentioned coins shall be of the same standard with the gold mohur and of proportionate weight.

VIII. And be it enacted, that these gold coins shall bear on the obverse head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian, and the words "East India Company" in English, with embellishment as shall from time to time be ordered by the Governor-General in Council, which shall always be different from that of the silver coinage.

IX. And be it enacted, that no gold coin shall henceforward be a legal tender in any of the territories of the East India Company.

And be it enacted, that it shall be competent to the Governor-General in Council, in his executive capacity, to direct the coining and issuing of all coins authorized by this Act; to prescribe the devices and inscriptions of the copper coins issued from the mints in the said territories, and to establish, regulate or abolish mints, any law hitherto in force to the contrary notwithstanding.

ACT No. XVIII. OF 1835.

Enacted by the Honourable the Governor-General of India in Council on the 9th November 1835.

Enacted, that clause 8, section IX. Regulation XI. 1806, and clause 4 of XXX. Regulation XX. 1817, of the Bengal code, which prohibit the wearing of a chuprass or badge by peons, or other servants in the employment of individuals, be repealed.

And be it enacted, that no person shall wear, or be accessory to the wearing of, other person of any chuprass or badge, intended to resemble any chuprass or badge worn by servants of the government; and every person violating this rule, shall be punishable by fine and imprisonment on conviction before a Magistrate, as for a misdemeanor.

Nizam. And be it enacted, that every chuprass or badge worn by any person not a servant of the government, shall bear the name of the party by whom it is employed, and whoever shall wear a chuprass or badge, or be accessory to the wearing such chuprass or badge, otherwise than in conformity with the rule, shall be punishable by fine and imprisonment on conviction before a Magistrate, as for a misdemeanor.

Under 4 oz.

the district
or commissary
of the district
or commissary
of the district

GOVERNMENT OF INDIA.

27

ACTS of 1835.

ACT No. XIX. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 9th November 1835.

BE it enacted, that it shall be competent for the Governor in Council of Bombay to appoint the assistant judge of the zillah court of Poonah to be assistant to the agent for sirdars in the Deckan, and it shall be competent to the agent for sirdars to refer to his assistant original suits against sirdars for amounts not exceeding 5,000 rupees; and in the trial of such suits the assistant shall follow the same rules which are now applicable to the agent; and every decree of the assistant shall be open to an appeal to the agent within (30) thirty days from the date of the decree; and every decision of the agent on such appeal shall be open to a special appeal under the provisions of chapter XXII. Regulation IV. of 1827 of the Bombay code, to the Governor in Council, for to the Sudder Adawlut, according as the rank of the sirdar may subject him to the jurisdiction of either authority, provided such last-mentioned appeal shall be brought within (90) ninety days after the date of the decree of the agent.

ACT No. XX. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 23d November 1835.

BE it enacted, that it shall be competent to the Governor in Council of Bombay, to invest the mahalkarees or other officers, howsoever designated, with the functions of mahalkarees, with police powers within the towns and villages under their charge, to the same extent as are possessed by komavisdars and amildars.

And it is enacted, that the proceedings of the officers invested with power under this Regulation, shall be conducted according to the rules prescribed in Chapter V. Regulation XII. 1827 of the Bombay code; and that the fines awarded shall be carried into effect by the komavisdars or amildars where it cannot be executed at the station of the officers.

ACT No. XXI. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 7th December 1835.

I. BE it enacted, that from the 20th day of December 1835, the following copper coins only shall be issued from any mint within the presidency of Bengal:

- | | | |
|---|-----------|-------------------------|
| 1. A pice, weighing | - - - - - | 100 grains troy |
| 2. A double pice | - - - - - | 200 |
| 3. A pie, or one-twelfth of an anna piece | - - - - - | 33 $\frac{1}{2}$ — acil |

with such devices as shall be fixed for the same by the Governor-General in Council, according to the provisions of section X. of Act XVII. of 1835.

II. And be it enacted, that from the said 20th day of December 1835, the said pice shall be legal tender for $\frac{1}{12}$ of the Company's rupee, and the said double pice for $\frac{1}{6}$ of the Company's rupee, and the said pie for $\frac{1}{12}$ of the Company's rupee.

III. Provided always, that after the said 20th day of December 1835, no copper coin shall in any part of the territories of the East India Company be legal tender, except for fractions of a rupee.

ACTS OF THE

ACTS of 1836.

ACT No. IX. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th April 1836.

IT is hereby enacted, that the commanding officer of any military station occupied by troops in the service of the East India Company, out of the territories of the said Company, shall be competent to administer within the limits of such military station any oath which a justice of the peace is competent to administer within the said territories, and that such oath shall, in all respects, be of the same effect as if taken within the said territories before a justice of the peace.

ACT No. X. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th April 1836.

IT is hereby enacted, that clause 3, section V. Regulation VI. 1823, of the Bengal code, be repealed.

II. And it is hereby enacted, that whenever the right to indigo plant may be contested, and an order shall be passed, under the provisions of clause ninth, section III. Regulation VI. 1823, of the Bengal code, for the delivery of indigo plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the indigo plant until he shall have given sufficient security, to the satisfaction of the court trying the case, to make good any claim that shall be ultimately established to such indigo plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate indigo plant for the other party, or to deliver indigo plant to the other party, and when the other party shall have advanced money to the ryot for the purpose of enabling the ryot to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to re-compensate him or them, jointly or severally, damages to the extent of the injury together with costs of suit.

Oil, except always, that nothing in this section contained shall be construed to give a right of action against any person in consequence of any act which he may have done for the purpose of procuring payment of a debt or performance of a lawful contract.

IV. And it is hereby enacted, that the court trying any suit instituted under the provisions of Regulation VI. 1823, of the Bengal code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant, whenever the court shall deem such examination necessary to the ends of justice; and, if the award be in favour of the defendant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a zillah or city judge to refer to a principal sudder ameen or sudder ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI. 1823, or under the provisions of this Act, to be inquired into and decided by the said principal sudder ameen or sudder ameen, in the same manner and under the same rules as such suit may be inquired into and decided by a zillah or city judge, anything in existing Regulations to the contrary notwithstanding.

GOVERNMENT OF INDIA.

ACT No. XI. of 1836.

ACTS of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 9th May 1836.

I. IT is hereby enacted, that from the 1st day of June 1836, the 107th clause of an Act of Parliament, passed in the 53d year of King George III. and intituled, "An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," shall cease to have effect within the territories of the East India Company.

II. And it is hereby enacted, that from the said day and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the courts hereinafter mentioned; that is to say,

The courts of Sudder Dewanny Adawlut—of the zillah and city judges—of the principal sudder ameens—and of the sudder ameens, in the territories subject to the presidency of Fort William in Bengal.

The court of Sudder Adawlut—the provincial courts—the courts of the zillah judges—of the assistant judges—of the registers, and of the native judges, in the territories, subject to the presidency of Fort St. George.

The courts of Sudder Adawlut—of the zillah judges—of the native judges—and of the principal and junior native commissioners in the territories subject to the presidency of Bombay.

ACT No. XII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 23d May 1836.

IT is hereby enacted, that, from the 1st day of June 1836, the holder of a decree passed by the Nuwaub of Furruckabad, under the provisions of Regulation XVIII. of Regulation II. of 1803, shall be unable to obtain execution of the said decree by the Nuwaub for a period of six weeks (which period of six weeks shall be calculated from the said 1st day of June, if the decree were passed before the said 1st day of June, and from the time of passing the decree, if the decree were passed on or after the said 1st day of June), the said holder shall be at liberty to sue out execution of the said decree in the zillah court of Furruckabad, and the judge of that court, on application made to that effect, shall execute the decree in the same manner in which a decree of the said zillah court is executed.

ACT-NO. XIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 23d May 1836.

I. IT is hereby enacted, that from the 1st January 1838, the Calcutta sicca pice shall cease to be a legal tender in discharge of any debt, but shall be received by the collectors of land revenue, and at all other public treasuries by sight, and subject to a charge of 1 per cent. for re-coinage.

II. And it is hereby enacted, that from the 1st of June 1836, section V. of Regulation XXV. 1817, of the Bengal code, which provides that "the pice struck at the mints of Benares and Furruckabad, agreeably to the provisions of Regulation X. 1809, and Regulation VII. 1814, and Regulation XXI. 1816, shall be considered as circulating equally with the of Calcutta coinage throughout the provinces of Bengal, Behar, and Orissa, and shall in like manner be received as a legal tender in payment of the fractional parts of a rupee of the local currency at the rate of 64 pice for each rupee," shall be repealed; and the said pice shall be a legal tender only within the provinces and places for which they were respectively coined, as provided by Regulation X. 1809, Regulation VII. 1814, and Regulation XXI. 1816, respectively.

ACTS OF THE

ACTS of 1836.

ACT No. XIV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 30th May 1836.

Regulations imposing
transit and town du-
ties in the interior,
and fixing rates of im-
port and export duty
on sea goods, repeal-
ed;

except as regards the
Jumna frontier line;

and duties on western
salts.

Import duties to be
levied according to
Schedule (A.) an-
nexed.

Export duties to be
collected on country
goods, according to
Schedule (B.) an-
nexed.

No goods entered
therein as liable to
duty to be exempted,
except by order of
Government; but the
Collector may pass
on to

Existing rules to be
enforced for levying
the new import and
export duties.

may be fixed by the
Governor of Bengal
beyond which an
inward-bound vessel
may proceed until
manifest has been
presented to pilot to
be forwarded.

be respon-
sible for the cor-
rectness of

or

I. IT is hereby enacted, that, from the 1st June next, such parts of Regulations IX. and X. 1810, Regulation XV. 1825, and of any other Regulations of the Bengal presidency, as prescribe the levy of transit or inland customs duties, or of town duties; and likewise the schedules of duties and provisions of any kind contained in these or any other Regulations for fixing the amount of duty to be levied upon goods imported into, or exported from, the said presidency by sea, shall be repealed: Provided, however, that nothing herein contained shall be construed to prevent the levy of duties at the rates now in force at the custom-houses and chokies established on the line of the Jumna, or on any frontier line, upon goods crossing that line for import into, or export from, the territory of the East India Company by land, nor to affect the Regulations in force for imposing and levying duties on salt, the produce of Western and Central India.

II. And it is hereby enacted, that duties of customs, shall be levied on goods imported by sea into Calcutta, or into any other place within the provinces of Bengal and Orissa, according to the rates specified in Schedule (A.) annexed to this Act, and with the exceptions specified therein, and the said Schedule, with the Notes attached thereto, shall be taken to be a part of this Act.

III. And it is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any port of Bengal or Orissa, according to the rates specified in Schedule (B.) annexed to this Act, with the exceptions therein specified; and the said Schedule, with the Notes attached thereto, shall also be taken to be a part of this Act.

IV. And it is hereby enacted, that no goods or articles whatsoever, entered in either of the said Schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bengal: Provided, however, that it shall and may be lawful for the collector of customs, or other officer in charge of a custom-house, to pass free of duty, as heretofore, any baggage in actual use, at his discretion, and in case of any person applying to have goods passed as such, the collector acting under the orders of the Board of Customs, Salt, and Opium, shall determine whether they be baggage in actual use, or goods subject to duty, under the Rules of this Act.

V. And it is hereby enacted, that the Rules and Regulations now established for the levy of duties of customs on goods imported into, or exported from, Calcutta and other ports of the presidency of Fort William in Bengal, shall continue to be in force, and shall be observed and applied for the levy of the import and export duties imposed by this Act, unless repealed or altered, or repugnant to the provisions thereof.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the presidency of Fort William in Bengal, by an order printed in the Calcutta Gazette, to fix a place in any river or port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound vessel, save and except such dhonies and country craft as are referred to in section XXII. of this Act, to pass until the master or commander shall have delivered to the pilot on board, for the purpose of being forwarded by the public dawk or otherwise, as may be ordered by the Board of Customs, Salt, and Opium, a manifest made out in the form prescribed by section XLV. Regulation IX. 1810. And it is hereby enacted, that if the manifest so delivered by the master and commander shall not contain a full and true specification of all the goods imported in the vessel, the master or person in charge thereof, shall be liable to a fine of 1,000 Rs.; and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased duties, as may be determined by the Board of Customs, Salt, and Opium; and if any inward-bound vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the master or commander shall in like manner

GOVERNMENT OF INDIA.

manner deliver to the pilot, so soon as the vessel shall anchor, a manifest as above prescribed; and if any vessel entering a port for which there is, a custom-house established, shall lie at anchor therein for the space of 24 hours, the master and commander whereof shall neglect to deliver the said manifest to the pilot on board, he shall for such neglect be liable to forfeit the sum of 1,000 rupees, and no entry or port-clearance shall be given for such vessel until the fine is paid.

ACTS of 1836.

If remaining at anchor 24 hours without sending manifest, to be subject to penalty of 1,000 rupees.

VII. And it is hereby enacted, that no vessel shall be allowed to break bulk until the manifest described in the preceding section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the collector of customs, and order shall have been given by the said collector for the discharge of the cargo; and the said collector may further refuse to give such order, if he shall see fit, until any port-clearances, cockets, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

No vessel to break bulk unless two copies of manifest have been received.

And entry may be refused until papers of the places of departure are delivered.

VIII. And it is hereby enacted, that it shall be competent to the collector of customs at any port of Bengal or Orissa, at his discretion, to send one or more officers of customs on board of any vessel at any time; and the custom-house officer so sent shall remain on board of such vessel by day and by night, until the vessel shall leave the port, or until it be otherwise ordered by the collector of customs.

Collector may send custom-house officer on board any vessel, to remain on board till she sails.

IX. And it is hereby enacted, that any master or person in charge of such vessel, who shall refuse to receive a custom-house officer on board when so deputed as above provided, or shall not afford such officer suitable shelter and sleeping accommodation while on board, shall be liable to fine not exceeding the sum of 500 rupees for each day during which such officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by and at the discretion of the Board of Customs, Salt, and Opium at Calcutta, and the vessel, by the master or person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

Persons refusing to admit custom-house officers, or not giving them proper accommodation, liable to fine.

X. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the custom-house officer on board, or to any other officer under his authority; and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulkheads to be opened in his presence; and if not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of customs, shall be confiscated; and any master or person in charge of a vessel who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable, upon conviction, for every such offence, to a fine of 1,000 rupees, to be adjudged by any magistrate or justice of the peace of the place.

Collector may order a vessel to be searched.

XI. And it is hereby enacted, that no goods shall be allowed to leave any vessel, or to be put on board thereof, until entry of the vessel shall have been duly made in the custom-house of the port, and order shall have been given for the discharge of the cargo thereof as above provided; and it shall be the duty of the custom-house officer on board, and of all officers of customs, to seize as contraband any goods which shall have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the provision. And after entry of the vessel at the custom-house in due form, the part of the cargo as may not be intended and declared for re-exportation in the same vessel, shall be sent to land. And export cargo shall be laden on board thereof according to the rules and practice now in force; and if an attempt be made to land or put on board goods or merchandize in contravention thereof, the goods or merchandize shall be liable to seizure and confiscation.

Any resistance or refusal of masters to be searched, liable to fine of 1,000 rupees.

Goods not to be landed or put on board until entry of the vessel is duly made.

Cargo to be landed ashore and laden outwards, according to existing forms.

XII. Provided, however, and it is hereby enacted, that no goods shall be allowed to leave any vessel under the said rules, unless the same be duly manifested, and any goods found on board in excess of the manifest, or not corresponding with the specification and description therein contained, shall be seized by the custom-house officer on board, in order that they may be dealt with as prescribed.

Goods unmanifested not to be landed or put on board.

34 ACTS OF THE

Master to be answerable that all goods manifested are forthcoming and duly passed, under penalty of 500 rupees for each missing package of unknown value, or double duty if assessable.

Rule for presenting an amended or supplemental manifest.

Custom-house officers taking unauthorized fees or bribes subject to penalty of 500 rupees.

Same penalty on persons offering.

Collector to investigate and adjudge confiscation.

Board's confirmation necessary.

after which the master to pay charges of the custom-house officer.

if goods consignees do not fail, collector and warehouse

may land packages before 20 days consent of master

other period of 15 days for continuing for ex-

prescribed in section VI. of this Act; and if goods entered in the manifest shall not be found on board the vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom-house, or at such other ghaut or place as the collector of customs shall have prescribed or permitted, there to be passed in due form, the master or commander shall be liable to a penalty not exceeding 500 rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if capable of being assessed therewith: Provided, however, that nothing herein contained shall be construed to prevent the collector of customs from permitting the master or commander of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest, but the receiving of such shall always be discretionary.

XIII. And it is hereby enacted; that any custom-house officer whatsoever who shall demand or accept any gratuity not authorized by any existing Regulation or Order of Government, in consideration of doing, or of omitting to do, any act in his official capacity, shall forfeit for every such offence the sum of 500 rupees; and any person who shall offer a bribe to any custom-house officer in order to induce such officer to act in a manner inconsistent with his duty, shall forfeit a like sum; and these penalties shall be adjudged on conviction before any magistrate or justice of the peace of the town, district, or place where the custom-house may be established by such magistrate, and in default of payment, any person so convicted shall be committed to the civil gaol of the city or district until the fine be paid, or for a period not exceeding six months.

XIV. And it is hereby enacted, that when goods shall be seized as contraband and liable to confiscation, the collector of customs shall investigate the case, and, according to his judgment, shall either release the goods or adjudge them to confiscation, and whenever he shall declare goods to be confiscated, he shall report his proceedings for confirmation and final adjudication by the Board of Customs, Salt, and Opium: Provided, however, that nothing herein contained shall be construed to prevent the Governor of Bengal from ordering the release of goods seized, or from permitting any penalty whatsoever that may be incurred for contravention of the customs laws.

XV. And it is hereby further enacted, that 20 days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen, and 30 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day of the tide-waiter or other custom-house officer first going on board. And if the whole cargo be not discharged by the expiration of the above-stated periods respectively, the master or commander shall be charged with the tide-waiter's or other officer's wages, and other expenses for any further period that he or they may be detained on board. And if all exports, importers, or consignees do not bring their goods to land within the time above fixed, it shall be the duty of the master or commander so to discharge of the import cargo, the collector may order the same to be landed and warehoused for the security of the duties chargeable, and of any freight and primage, and other demands that may be due thereon, giving his receipt to the master for the same: Provided always, that in all cases it shall be lawful for the collector or other officer in charge of the custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the Government warehouse for the security of the duties and charges thereon, although 20 days may not have expired from the entry of such vessel, and in case goods so landed and warehoused, or any goods brought to land from any vessel, be not claimed and cleared from the custom-house within three months from the date of landing, it shall be competent to the collector to sell the same on account of the duties, freight, and other charges incurred and due thereon.

XVI. And it is hereby enacted, that a further period of 15 days, Sundays and holidays excluded, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if exceeding that burthen; when the lading and unlading thereof shall be continuous; and the master or commander shall in such case not be charged with the wages and expenses

expenses of the custom-house officer on board until after the expiration of such additional periods respectively; and if a vessel having discharged its import cargo shall be laid up, the custom-house officer on board shall be withdrawn so soon as he shall certify that no goods remain on board, excepting necessary stores and articles for use; and when a vessel so laid up shall be entered at the custom-house for receipt of export cargo, a custom-house officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board saving as above excepted, 20 days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding 600 tons, and 30 days for vessels exceeding that burthen, after which periods respectively the master and commander shall be charged with the wages and expenses of the custom-house officer on board to the date of the vessel's sailing from the port.

ACTS of 1836.

If the vessel be laid up, tide-waiter to search and leave, certifying that it is empty.

Twenty and 30 days, according to tonnage, allowed for lading a vessel outwards after being laid up, but search and certificate that nothing is on board, necessary.

XVII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any penalty, fine, or demand on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Board of Customs, Salt, and Opium, to refuse port-clearance to such vessel until the fine shall be discharged.

When penalty has been incurred by a master, the collector may refuse port clearance of the vessel till it be paid.

XVIII. And it is hereby enacted, that upon any goods passed through the custom-house for shipment, the application for which shall be presented after port-clearance shall have been taken out, double the prescribed duty shall in all cases be levied; and if the goods be free, five per cent. upon the market value shall be levied thereon.

Goods shipped after port-clearance to pay double duty, and five per cent. if free.

XIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall, for any damage or from other cause, be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a custom-house officer shall be sent to watch the vessel and take charge of the cargo during such re-landing or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty, by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land, or while on board of any other vessels, under special charge of the officers of customs; and all charges attending such custody shall be borne by the exporter, or by the applicant, for this advantage: Provided, however, that in all cases of return to port after port-clearance on account of damage, or for stress of weather, it shall be lawful for the owner, or for the master and commander, to re-enter the vessel and land the cargo, under the rules for the importation of goods; and the export duty shall in that case be refunded, and the amount paid in drawback be re-claimed, and the goods be placed in all respects as if they had been passed for exportation; and if goods on account of which drawback has been paid be not found on board the vessel, the master shall forfeit the value thereof, unless he account for them to the satisfaction of the collector of customs.

In case of re-landing for damage, &c. officer to proceed on board to watch.

And cargo not to be exempt from duty on re-export, unless all the while in charge of custom-house officers.

to and to be refused.

and the value of cargo.

XX. And it is hereby enacted, that when goods shall be re-landed on board of any vessel is complete and port-clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port-clearance shall have been granted for the vessel on which the goods were exported, except the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in section XIX. of this Act.

No refund duty after clearance.

XXI. And it is hereby further enacted, that vessels owned by natives of Arabia, and coming from the ports thereof, and likewise the vessels of any country or of Asia not subject to the dominion of the King of the United Kingdom of Great Britain and Ireland, excepting dhonies and small craft from the Maldives and Nicobar Islands, as hereinunder provided, shall be deemed foreign vessels.

Arabs and other foreign Asiatic vessels to be deemed foreign.

XXII. And it is hereby enacted, that dhonies, country craft, and other small vessels not brought into the port of Calcutta by pilots, shall be required to anchor and moor in such part of the River Hooghly as shall be marked out by the collector of customs, with the sanction of the Board of Customs, Salt, and

Dhonies, &c. required to anchor in a particular part of the river.

Opium;

Penalty if not moved to said ghaut when required, 100 rupees.

Vessel, its equipment, or cargo may be seized.

Dhoonies, &c. from Maldives and Nicobars to be British vessels.

Opium; and if any such vessel shall anchor in any other part of the river than as so marked out, and the master or person in charge thereof shall not, immediately upon being ordered so to do, move his vessel to the place marked out, he shall be liable to a fine of 100 rupees, to be adjudged by the collector of customs; and the vessel, or any part of its equipment or cargo, may be seized and sold in satisfaction of such fine; and goods shall be landed from such vessels and put on board for export according to such rules, and at such places as shall be prescribed by the collector of customs; and vessels of this description coming from the Maldives, or from the Nicobar Islands, shall be considered as British vessels.

SCHEDULE (A.)

RATES of DUTY to be Charged on Goons imported by Sea into any Port of the Presidency of Fort William, in Bengal.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin - - - - -	free - - - - -	free.
2	Precious stones and pearls - - - - -	ditto - - - - -	ditto.
3	Grain and pulse - - - - -	ditto - - - - -	ditto.
4	Horses and other living animals - - - - -	ditto - - - - -	ditto.
5	Ice - - - - -	ditto - - - - -	ditto.
6	Coal, coke, bricks, chalk, and stones - - - - -	ditto - - - - -	ditto.
7	Books printed in the United Kingdom, or in any British possession.	ditto - - - - -	3 per cent.
8	Foreign books - - - - -	3 per cent. - - - - -	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom, or of any British possession.	3 per cent. - - - - -	6 per cent.
10	Ditto ditto, the produce or manufacture of any other place or country.	6 per cent. - - - - -	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession.	3 per cent. - - - - -	6 per cent.
12	Metals, ditto ditto, excepting tin, the produce or manufacture of any other place.	6 per cent. - - - - -	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British possession.	10 per cent. - - - - -	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British possession.	2 per cent. - - - - -	4 per cent.
15	Ditto, the produce of any other place or country.	4 per cent. - - - - -	8 per cent.
16	Cotton and silk piece goods, cotton twist, and yarn, the produce of the United Kingdom, or of any British possession.	3 ½ per cent. - - - - -	7 per cent.
17	Ditto, the produce of any other place - - - - -	7 per cent. - - - - -	14 per cent.
18	Opium - - - - -	- - 24 rs. per seer of 80 tolas.	- - 24 rs. per seer of 80 tolas.
19	Expenses of export - - - - -	- - rs. 3-4 per md. of 80 tolas per seer.	- - rs. 3-4 per md. of 80 tolas per seer.
20	Camphor - - - - -	10 per cent. - - - - -	20 per cent.
21	Cassia - - - - -	10 per cent. - - - - -	20 per cent.
22	Cloves - - - - -	10 per cent. - - - - -	20 per cent.
23	Coffee - - - - -	10 per cent. - - - - -	20 per cent.
24	Coral - - - - -	7 ½ per cent. - - - - -	15 per cent.
25	Nutmegs and mace - - - - -	10 per cent. - - - - -	20 per cent.
26	Pepper - - - - -	10 per cent. - - - - -	20 per cent.
27	Rattans - - - - -	10 per cent. - - - - -	20 per cent.
28	Tea - - - - -	7 ½ per cent. - - - - -	15 per cent.
29	Vermillion - - - - -	10 per cent. - - - - -	20 per cent.
30	Wines and liqueurs - - - - -	10 per cent. - - - - -	20 per cent.
31	Spirits, consolidated duty, including that levied heretofore through the police of Calcutta.	- - 9 as. per imperial gallon.	- - 16 as. per imperial gallon.
32	And the duty on spirits shall be rateably increased as the strength exceeds of London proof; and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.		
33	All articles not included in the above enumeration.	3 ½ per cent. - - - - -	7 per cent.

And

And when the duty is declared to be *ad valorem*, it shall be levied on the market value, without deduction; and if the collector of customs shall see reason to doubt whether the goods come from the country from which they are declared to come by the importer, it shall be lawful for the collector of customs to call on the importer to furnish evidence as to the place of manufacture or production; and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, Salt, and Opium.

And upon the re-export by sea of goods imported, excepting opium and salt, provided the re-export be made within two years of the date of import as per custom-house register, and the goods be identified to the satisfaction of the collector of customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback. And if goods be re-exported in the same ship without being landed (always excepting opium and salt, in regard to which the special rules in force shall continue to apply), there shall be no import duty levied thereon.

SCHEDULE (B.)

RATES of DUTY to be charged upon Goods exported by Sea from any Port or Place in the Presidency of Fort William, in Bengal.

No.	ENUMERATION OF GOODS.	EXPORTED ON BRITISH BOTTOMS.	EXPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin - - - -	free - - - -	free.
2	Precious stones and pearls - - - -	ditto - - - -	ditto.
3	Books printed in India - - - -	ditto - - - -	ditto.
4	Horses and living animals - - - -	ditto - - - -	ditto.
5	Opium purchased at Government sales in Calcutta.	ditto - - - -	ditto.
6	Cotton wool exported to Europe, the United States of America, or any British possession in Africa.	ditto - - - -	8 as. p' md. of 80 tolas to the seer.
7	Wool exported to places other than above.	as. 8 p' md. of 80 tolas p' seer.	as. 16 p' md. of 80 tolas to the seer.
8	Sugar and rice exported to the United Kingdom, or to any British possession.	free - - - -	3 per cent.
9	Wool exported to any other place - - - -	3 per cent. - - - -	6 per cent.
10	Grain and pulse of all sorts - - - -	1 anna per bag, not exceeding 2 mds. of 80 tolas to the seer, or if exported otherwise in bags, half an anna per maund.	2 as. per bag not exceeding 2 mds. of 80 tolas to the seer, or if exported otherwise than in bags, 1 anna per maund.
11	Indigo - - - -	3 p' md. of 80 tolas to the seer.	3 p' md. of 80 tolas to the seer.
12	Lac dye and shell lac - - - -	4 per cent. - - - -	8 per cent.
13	Silk, raw filature - - - -	3 ½ as. p' seer of 80 tolas.	7 as. tolas.
14	Silk, Bengal wound - - - -	3 as. p' seer of 80 tolas.	6 as. p' seer of 80 tolas.
15	Tobacco - - - -	as. p' maund - - - -	8 as. p' maund.
16	All country articles not enumerated or named above.	3 per cent. - - - -	6 per cent.

And when the duty is *ad valorem*, the same shall be levied on the market value of the goods at the place of export, without deduction.

And in settling for the exports by sea, credit shall be given for payment of inland customs duty, and drawback shall be allowed of any excess of duty paid upon production of ruwanas, under the following conditions, until the 1st April 1837:

1st. That the goods shall be identified, and destination to the port of export proved in the usual manner.

2d. That the ruwanas shall bear date before the 1st April 1836, and the goods shall not have been protected thereby, or by the original thereof, more than two years.

ACTS of 1836.

And after the said 1st April 1837, credit shall not be given, nor shall draw-back be allowed, of any inland customs or land frontier duty paid at any custom-house or chokee of the Jumna frontier line, or of Benares, except only upon the article of cotton wool covered by ruwanas taken out at the custom-houses of the western provinces, and proved to have been destined for export by sea when passed out of those provinces.

ACT No. XV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th June 1836.

IT is hereby enacted, that the functionary or functionaries who are or may be appointed to the political charge of Subathoo and the other territories annexed thereto, be placed under the control and superintendence, in civil cases, of the court of Sudder Dewanny Adawlut at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionary or functionaries may have received, or may hereafter receive, from the Governor-General of India in Council.

ACT No. XVI. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th June 1836.

I. IT is hereby enacted, that from the 1st day of August 1836, it shall be lawful for the additional government commissioner, appointed by Regulation IV. of 1833 of the Madras code, to nominate for the approbation of the provincial court of the centre division, any person whom the said commissioner may think fit to be a vakeel in the office of the said commissioner; and if the provincial court shall approve of such nomination, the person nominated shall be appointed a vakeel in the office of the said commissioner, and shall receive a sunnud of appointment on unstamped paper, duly authenticated by the said commissioner.

II. And it is hereby enacted, that it shall be lawful for the said commissioner to suspend any such vakeel from his functions; but in every such case the said commissioner shall forthwith report such suspension, and the grounds thereof, to the said provincial court.

III. And it is hereby enacted, that it shall be lawful for the said provincial court to dismiss any such vakeel.

IV. And it is hereby enacted, that the said commissioner shall frame, with all convenient speed, a body of rules for the practice and remuneration of the vakeels of his office, and shall submit the same to the court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said court of Sudder Adawlut, shall be of the same force as if they were inserted in this Act.

V. And it is hereby enacted, that no person not appointed a vakeel in the manner directed by this Act, or under suspension, or after dismissal, shall act as a vakeel in the office of the said commissioner.

ACT No. XVII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th June 1836.

I. IT is hereby enacted, that whenever the Governor-General in Council shall order that any of the territories which were lately held by the Begum Sumroo, and which lapsed to the East India Company on the 27th of January 1836, shall be annexed to any district under the government of the said Company, all laws and regulations now in force within such district shall be in force in the territories so annexed to such district.

II. And

II. And it is hereby enacted, that the criminal courts shall not take cognizance of any offence committed in the said territories previously to the 27th of January 1836, unless specially empowered by the Governor-General in Council so to do.

III. And it is hereby enacted, that no court of civil judicature shall take cognizance of any claim within the said territories with respect to which claim a final decision may have been previously pronounced by any court; which at the time of pronouncing such decision was competent to pronounce such decision.

ACT No. XVIII. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 5th September 1836.

I. IT is hereby enacted, in modification of section I. Regulation IX. of 1830 of the Bombay code, that, from the 1st day of October next, every labour cart and every labour hackery, not having springs, and having wheels of less diameter than three feet six inches, and the tires less in breadth than three inches, shall be subject at the Bhore Ghaut, in passing, to a toll not exceeding half a rupee, if such cart or hackery be drawn by two bullocks; and not exceeding a rupee, if such cart or hackery be drawn by four bullocks.

II. And it is hereby enacted, that the collection of toll which by the second section of the Regulation aforesaid was placed under the superintendence of the collector of the Northern Konkan, shall, from the said 1st day of October next, be under the superintendence of such person as the Governor of Bombay in Council shall appoint.

III. Nothing in the foregoing sections shall be construed as interfering with the right of Government to grant such exemptions as may be deemed proper from payment of the prescribed toll.

ACT No. XIX. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 19th September 1836.

I. IT is hereby enacted, that, from the day of the passing of this Act, any person may hold capital stock of the bank of Bengal to an amount not exceeding 1,60,000 Company's rupees, and that any existing proprietor of stock of the said bank may subscribe for additional stock of the said bank in proportion to his interest, any restriction in the charter of the said bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of sicca rupees, which is the increased capital stock of the said bank, shall, on or before the 1st of October 1836, be made up by the Governor-General of India in Council to 75 lacs of Company's rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's rupees shall, from the 1st day of October 1836, be the capital stock of the said bank, and shall be divided into 1,875 shares of 4,000 Company's rupees each.

IV. And it is hereby enacted, that 275 of the said shares, numbered from 1 to 275 inclusive, shall be the property of the Governor-General of India in Council, on behalf of the East India Company, and that the remaining 1,600 shares, numbered from 276 to 1,875 inclusive, shall be the property of those persons who, on the said 1st of October 1836, shall be proprietors of the capital stock of the said bank, and that every such proprietor shall, for every sum of sicca rupees 3,750 of stock of the said bank held by him, be entitled to one of the said shares.

V. And it is hereby enacted, that, on the 30th of September 1836, the account of the profits upon the capital stock of the said bank, as consisting of 50 lacs of sicca rupees, divided into 500 shares, shall be wound up, and a dividend declared; and that from the 1st of October 1836 the holders of the new shares of 4,000 Company's rupees each shall be entitled to share in the profits of the bank in proportion to their interest, and that the first dividend on the said new shares shall be declared on the 1st of January 1837.

ACTS of 1836.

VI. And it is hereby enacted, that if the subscription for any share shall not be paid up on or before the 1st of October, such share shall become the property of the said bank, and shall be sold for the benefit of the said bank, and the profits of such sale shall be added to the profits of the said bank.

VII. And it is hereby enacted, that certificates shall be granted for the said shares of 4,000 Company's rupees each, in the same manner in which certificates have hitherto been granted for shares of the capital stock of the said bank; and that the said shares of 4,000 Company's rupees each shall be registered, and shall be transferable and assignable in the same manner in which shares of the capital stock of the said bank have hitherto been.

VIII. And it is hereby enacted, that the said shares of 4,000 Company's rupees each may be subdivided into quarter shares of 1,000 Company's rupees each, and that such quarter shares may be assigned, transferred, and reunited in the same manner in which fractional parts of shares of the capital stock of the said bank have hitherto been assigned, transferred, and reunited.

IX. And it is hereby enacted, that the proprietors of the capital stock of the said bank shall, from the 1st day of October 1836, be entitled at their meetings to vote according to the following scale :

1	Share of 4,000 Co.'s Rs. shall entitle to	1	Vote.	
5	Shares	-	2	Votes.
10	"	-	3	"
15	"	-	4	"
20	"	-	5	"
30	"	-	6	"
40	"	-	7	"

ACT No. XX. OF 1836.

Enacted by the Right Honourable the Governor-General of India in Council on the 19th September 1836.

I. It is hereby enacted, that, from the 1st day of October 1836, so much of clause 3, section III. Regulation XI. of 1822 of the Bengal code, as provides "that joint estates shall not be liable to sale for arrears that may accrue during the progress of a butwarra or partition until the expiration of the year within which the arrear may become due," be repealed.

II. And it is hereby enacted, that, from the said 1st day of October 1836, no butwarra, while in progress, shall be quashed by the Board of Revenue, or by any officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or, for any of the said officers, to give six months' notice in writing of an intention to quash any butwarra; and such notice shall be affixed at the offices of the collector of the district and moonsiff of the jurisdiction within which the lands under partition, or part of those lands, may be situated; and if within six months after such notice, no party to the said butwarra shall deliver to the said collector a written declaration that he the said party, objects to the quashing of the said butwarra, it shall be lawful for the said Board or the said officer to quash the said butwarra.

IV. And it is hereby enacted, that every butwarra which, before the said 1st day of October 1836, may have been quashed by the said Board, or by any of the said officers, shall be taken by all courts to have been lawfully quashed.

ACT No. XXI. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 19th September 1836.

It is hereby enacted, that, from the 1st day of October 1836, it shall be lawful for the Governor-General in Council, by an Order in Council, to create new zillahs in any part of the presidency of Fort William in Bengal, and to alter the limits of existing zillahs.

ACT No. XXII. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 26th September 1836.

I. IT is hereby enacted, that from the 1st day of November 1836, Regulation VII. of 1810 of the Bengal code, and also such parts of Regulation XVIII. of 1806 of the Bengal code as relate to the Eastern Canal, commonly called "Tolly's Nullah," (which connects the River Hooghly with the Sunderbunds, shall be repealed.

II. And it is hereby enacted, that from the said 1st day of November 1836, the Governor of Bengal shall be competent to prescribe the amount of toll, and the mode of levying the same, on boats, rafts, and floats, which shall enter on or pass out of or through either of the two lines of navigation hereinafter described; that is to say,

1st. The Eastern Canal aforesaid, from its entry into the Sunderbunds to its junction with the River Hooghly.

2d. The line made up of the channel across the Salt-water lake to Baminghatta, of the canal leading from the Salt-water lake to the Boitakhanna road, and of the new circular canal which connects the last-mentioned canal with the River Hooghly.

III. Provided always, that the aggregate amount of toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into or passing out of either of the two lines aforesaid, shall in no case exceed one rupee and a half for every hundred maunds burden on any boat, or two annas for every timber on every raft of timber, or four annas for every hundred bamboos on every float of bamboos.

IV. And it is hereby enacted, that the said Governor shall be competent to fix a rate of rent, to be levied on every boat which shall remain in any part of either of the lines aforesaid longer than two days for every hundred maunds burden, and on every raft of timber which shall so remain longer than one day for every 10 timbers, and on every float of bamboos which shall so remain longer than one day for every 200 bamboos.

V. And it is hereby enacted, that the said Governor shall be competent to appoint officers for the collection of the tolls and rent hereinbefore mentioned, and to confer on such officers, for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by magistrates in respect to navigable streams and rivers.

VI. And it is hereby enacted, that whoever wilfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation, shall be punishable, on conviction before the magistrate, with imprisonment for a term not exceeding 14 days, or fine to an amount not exceeding 50 rupees, or both; and in default of payment of such fine, with additional imprisonment for 14 days.

VII. And it is hereby enacted, that notifications of the rates of toll and rent, and of the places of collection, and of all rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every toll-house on either of the said lines, in the English, Persian, and Bengallee tongues.

VIII. And it is hereby enacted, that if the toll or rent due in respect of any boat, raft, or float on either of the said lines shall not be paid on demand to an officer authorized by the said Governor to receive the same, it shall be lawful for such officer to seize such boat, raft, or float, and the cargo thereof, and to detain the same; and if the said toll or rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft, or float shall be released, or if not paid within the said 10 days, it shall be lawful for such officer, with the sanction and under the directions of the superintendent of canals, to sell the property seized, or so much thereof as the said superintendent shall direct, for the purpose of satisfying the toll or rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case so much of the property seized which has not been sold, and so much of the price of the property sold, as is in excess of the sum necessary for satisfying the toll or rent

ACTS of 1836.

which is due, and for defraying the expenses of seizure and detention, shall be returned to the owner of the boat, raft, or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft, or float shall attempt to evade payment of the toll or rent due thereon, or shall resist a seizure made by the authority and under the circumstances hereinbefore described, such boat, raft, or float, and the cargo thereof, shall be forfeited to the Government, under orders of the superintendent, subject to appeal to the commissioner of revenue and police.

ACT No. XXXIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th October 1836.

I. IT is hereby enacted, that from the 15th day of November 1836, the ordinary functions of the courts of civil and criminal justice, and of the constituted revenue authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the zemindarees of Goomsur and Soorada, and shall continue to be so suspended until this Act shall be repealed, or until such time as the Governor in Council of Fort St. George shall, by an Order in Council and Proclamation, declare that the ordinary Regulations shall be again put in force within those zemindarees.

II. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to appoint a commissioner for the said zemindarees, who shall exercise such powers as may be entrusted to him by the said Governor in Council of Fort St. George, and shall be guided in the discharge of his duties and functions by such instructions as he from time to time shall receive from the said Governor in Council.

III. And it is hereby enacted, that nothing in this Act shall be construed to affect the jurisdiction of the court of Circuit, or court of Sudder Foudaree Adawlut, in any case which may be depending before either of these courts on the 15th day of November 1836.

IV. And it is hereby enacted, that the court of Circuit and court of Sudder Foudaree Adawlut shall have criminal jurisdiction over every person whom the commissioner in Goomsur and Soorada, under the instructions of the Governor in Council of Fort St. George, may commit for trial; on the charge of any crime perpetrated before or during the operation of this Act; and in all such cases the court of Circuit and court of Sudder Foudaree Adawlut shall be guided by the general Regulations in force.

ACT No. XXIV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th October 1836.

I. IT is hereby enacted, that the officers who in the Regulations of the presidency of Fort St. George are designated as native judges and native criminal judges, shall, from the 1st day of November 1836, be designated as principal sudder ameen.

II. And it is hereby enacted, that from the said 1st day of November 1836, the officers who in the Regulations of the presidency of Bombay are designated as native judges, shall be designated as principal sudder ameen; and the officers who in the said last-mentioned Regulations are designated as principal native commissioners, shall be designated as sudder ameen; and the officers who in the said last-mentioned Regulations are designated as junior native commissioners, shall be designated as moonsiff.

III. And it is hereby enacted, that from the said 1st day of November 1836, no person whatever shall, by reason of birth, or by reason of descent, be incapable of being a principal sudder ameen, sudder ameen, or moonsiff, within the territories subject to the presidencies of Fort St. George and of Bombay.

IV. And

ACTS of 1836.

IV. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a principal sudder ameen, sudder ameen, or moonsiff, in the territories subject to the presidency of Fort St. George, or of Bombay, shall, in respect of all acts done by him as such principal sudder ameen, sudder ameen, or moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that from the said 1st day of November 1836, no person shall, by reason of place of birth, or by reason of descent, be excepted in any civil proceeding from the jurisdiction of the assistant judges in the territories subject to the presidency of Bombay.

ACT No. XXV. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 31st October 1836.

I. IT is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any presidency, to declare any port within the territories of such presidency a warehousing port.

Governments of presidencies to declare warehousing ports.

II. And it is hereby enacted, that it shall be lawful for any person who imports goods into any such warehousing port to lodge such goods in any public warehouse, or in any private warehouse, licensed in the manner hereinafter described.

Importers may then warehouse.

III. And it is hereby enacted, that application shall be made for the admission of such goods into such warehouses as aforesaid in the Form (A.) attached to this Act, and the said form shall be signed by the importer, owner, or consignee; and no goods shall be lodged in any such warehouse until they shall have been assessed for customs duty, according to the rules in force at the place of importation; and the keeper of every such warehouse shall be answerable for the weight of goods imported by the custom-house officers who shall have assessed the said goods, and for the wastage hereinafter allowed.

Making application in Form (A.) annexed.

Goods first to be assessed for customs duty. Warehouse-keeper to be answerable, for weight or gauge of the custom-house, allowing for wastage.

IV. And it is hereby enacted, that when goods shall be passed by tale or by weight, every omission or misdescription, tending to injure the revenue, shall be punishable with fine, not exceeding 10 times the greatest amount which could have been lost to the Government in consequence of such omission or misdescription; and if goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said goods in such warehouse as aforesaid, but not after the said goods have been so lodged.

Misdescription of tale goods or packages, to injury of revenue, punishable by fine not exceeding ten times the value. Error of assessment may be rectified before, not after, goods are lodged into warehouse.

V. And it is hereby enacted, that no packages of goods shall be admitted into any public or licensed warehouse unless numbered and marked, in plain legible characters, with the initials of the owner, importer, or consignee, and a description of goods contained therein.

Packages numbered and marked before entering warehouse.

VI. And it is hereby enacted, that upon goods warehoused under the provisions of this Act, when the import duty chargeable shall exceed the sum of 100 rupees, the importer or consignee shall be allowed to execute a bond for the amount of duty chargeable in the Form hereunto annexed, marked (B.); and when such bond shall have been executed, the goods shall be allowed to remain in the warehouse for a period not exceeding 15 months, without being liable to the payment of import duty thereon. And the bond to be taken under this section shall be for twice the amount of import duty assessed on the goods, and shall be payable for interest, to be payable from the date of the demand of any sum due on account of the goods, at such rate as shall not exceed six per cent., as shall be determined by the Board or other controlling authority of Customs; and the party taking the same shall be bound thereby for the payment of all duties and penalties that shall be claimable on account of the goods, and of any penalties that may be incurred for violation of the custom laws in respect to the same.

When the duty exceeds 100 rs. bond may be executed for it in Form (B).

And goods may then remain in warehouse for 15 months without demand of duty. Bond to be for twice the duty, interest of 6 per cent.

But collector to have power to proceed against the goods or under the bond, at his option.

And to detain goods and sell after 10 days, if the demand be not paid.

Proceeds of sale to be written off on the bond, and surplus paid over to the owner of the goods.

No transfer to bar this process.

VII. Provided always, that if any owner, importer, or consignee shall omit to pay any duty or penalty that may fall due on account of goods warehoused under this Act, it shall be lawful for the collector of customs, at his option, either to proceed upon the bond, or to cause such portion of the goods warehoused on account of which the duty or penalty may be demanded, as to him may seem fit, to be detained, in satisfaction thereof; and if the demand be not discharged within 10 days from the date of such detention (due notice thereof being given to the importer, owner, or consignee), the goods so detained shall be liable to be sold in satisfaction of the demand; and the proceeds of any sale so made of goods detained shall be written off upon the bond in discharge thereof to the amount received, less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the owner or consignee of the goods; and no transfer or assignment of the goods shall prevent the collector from proceeding against the goods, in the manner above provided, for any demand of customs duties or penalty claimed thereon.

After 15 months the Board may renew the bond for other 15 months.

VIII. And it is hereby provided, that if at the end of 15 months the owner or consignee of goods shall desire to keep them in warehouse for a further period, the Board or other controlling authority of Customs shall be competent to permit him so to keep them for a like further period, not exceeding 15 months, on the bonds being renewed, by the parties applying for the same.

Goods re-landed from a vessel put back may be warehoused without bond and re-shipped under the previous settlement of duties.

Exception

IX. And it is hereby enacted, that when a vessel, after having cleared from the port, shall return, and the owners, agents, or shippers of the cargo of such vessel, or any part thereof, shall desire to land the same for re-export, such goods shall be admitted to warehouse, and being so declared and registered, re-export may be made thereof under the previous settlement for duty, unless the bottom in which the re-export is made be one on account of which the goods are chargeable with increased duty, in which case the goods shall be chargeable only with the difference; and no bond shall be taken on account of duties for such re-landed goods, unless the goods should be liable to duty on being passed through the custom-house for importation.

Reserved duty on re-export to be chargeable on removal of goods for shipment, and bonds to be cancelled on payment thereof.

X. And it is hereby enacted, that upon the re-exportation by sea of goods imported and warehoused under bond for the duty, as provided in this Act, within the period during which such goods are by this Act permitted to continue in warehouse, and upon payment of all reserved duty which may be due on account of such goods, and of any charges or penalties that may have been incurred on account of the goods, the bond executed at the time of lodging the goods in warehouse shall be deemed to have been discharged and be cancelled accordingly.

In removal otherwise than for re-export, or if not cleared in time, full import duty to be levied, with interest charges.

And collector may cause goods to be sold in satisfaction, if not paid in 10 days.

XI. And it is hereby enacted, that if any goods lodged in warehouse, in the manner aforesaid shall be removed or taken from the warehouse otherwise than for exportation by sea, or if the goods be not cleared from the warehouse and exported at the expiration of the time during which such goods are permitted by this Act to remain in warehouse, the collector of customs shall demand the full amount of import duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed be not paid within ten days from the date of the demand, the collector of customs shall be entitled to realize the same either by putting the bond in suit, or, at his option, by causing the goods, or any sufficient portion thereof, to be sold in satisfaction of the demand.

Removal of goods to be noted in the bond, particulars.

XII. And it is hereby enacted, that whenever any goods warehoused and bonded as aforesaid shall be removed from any public or licensed warehouse, the collector of customs shall cause such removal to be noted on the back of the bond; and every note so made shall specify the quantity and description of goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them, and the number and date of the export pass under which they have been taken away, if removed for exportation by sea; and of the import pass or order, if removed for importation, and the amount of duty paid.

XIII. A

XIII. And it is hereby enacted, that a register shall be kept of all bonds entered into for customs duties on goods warehoused as aforesaid, and entry shall be made in the said register of all particulars prescribed in the preceding section of this Act, as to be noted on the bond; and when the register shall show that the entire quantity of the goods covered by any bond has been withdrawn from warehouse either through importation and the payment of duties, or through re-exportation by sea and payment of the reserved duties upon such re-export, it shall then be competent to, and be the duty of, the collector of customs to cancel the bond as discharged in full, and to deliver it so cancelled to the parties who shall have executed, or who shall be authorized to receive the same.

And the same particulars to be registered in the register of bonds.

When registry shows all the bonded goods to have been cleared out, bond to be cancelled, and returned to the obligee.

XIV. And it is hereby enacted, that the warehouses of the custom-house, together with such other buildings as shall be directed by the Governor in Council, or Governor of the presidency or settlement, shall be public warehouses for the reception of the goods under the provisions of this Act. And every public warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the presidency, shall appoint to be keeper of such warehouse; and such keeper shall be responsible for all duties connected with the charge of goods, their reception into, and delivery from, the warehouses.

The custom-house godowns, and other government godowns, to be public warehouses.

These to be under the collector's or warehouse-keeper's key.

XV. And it is hereby enacted, that the Board or other controlling authority of customs, shall determine what goods shall be admitted into every public warehouse, in what manner, and on what terms; and shall from time to time fix rates of hire for every public warehouse, or for the custody of goods therein, and a table of the rates so fixed shall be placed in a conspicuous part of every such warehouse.

Board to determine what goods are to be receivable into public warehouse, and the terms and rates of warehouse rent or hire. Table of rates to be exposed conspicuously.

XVI. And it is hereby enacted, that the owners or consignees of goods lodged in a public or licensed warehouse under this Act, or their agents, shall have access to their goods at any time, within the hours of business, in the presence of a custom-house officer, who shall be deputed to accompany them, upon their making application in writing to the collector of customs, or to the warehouse-keeper for the purpose.

Owners to have access to their warehoused goods, attended by a custom-house officer, during business hours.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of goods, on their reception into or removal from a warehouse, shall, if paid by the collector or warehouse-keeper, be chargeable on the goods, and be defrayed by the owners or consignees, in like manner as the customs duties before the goods are removed. And if the goods be lodged in a public warehouse, the owners or consignees shall further pay monthly the rent and warehouse dues on receiving a bill or written demand from the collector or warehouse-keeper for the same; and if the bill for rent or warehouse dues be not discharged within 10 days from the date of presentation, the collector of customs shall have power (any private transfer or assignment of the goods notwithstanding) to cause to be sold by public auction such sufficient portion of the goods as he may select in liquidation of his demand. And the owners and consignees of goods shall not be entitled to claim from the collector of customs, or warehouse-keeper, any compensation for any loss that may occur while the goods are passed into or out of the warehouse, or while they remain therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the warehouse-keeper or his officers, or of the officers of customs.

Expenses of carriage, packing, &c. are to be borne by the owners.

And to be real customs duties.

Bill for rent in months. And if not paid in 10 days, goods to be sold in.

Collector not liable for loss by fire, or other accident, nor for damage.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of goods deposited in warehouses according to the following table, as the rate of wastage for one year, and the import duty shall be settled on the quantities registered at the time of importation, wastage at these rates notwithstanding:

Wastage to be allowed as per table.

TABLE

ACTS of 1835.

TABLE of WASTAGE to be allowed upon Goods when applied to be removed, either from Public or Private Licensed Warehouses.

Description of Goods.					Rate of Wastage.	Description of Goods.					Rate of Wastage.
					per cent.						per cent.
Alkali	-	-	-	-	5	Kutch, or terra japonica	-	-	-	-	3
Alums	-	-	-	-	3	Lac, lake stick and seed	-	-	-	-	3
Aromatic seeds	Anise	-	-	-	3	Long pepper and long pepper root	-	-	-	-	3
	Coriander	-	-	-	3	Oils, essential and fragrant	-	-	-	-	8
	Cummin	-	-	-	3	Resin, or dammer	-	-	-	-	7 1/2
	Calizerah	-	-	-	3	Sago	-	-	-	-	4
	Cardamums	-	-	-	3	Sugar	-	-	-	-	4
	Jowain	-	-	-	3	Saltpetre	-	-	-	-	4
Beetlenut	-	-	-	-	7 1/2	Soap	-	-	-	-	3
Brimstone	-	-	-	-	3	Silk	-	-	-	-	5
Camphor	-	-	-	-	2	Spices	Cloves	-	-	-	8
Coffee	-	-	-	-	5		Cinnamon	-	-	-	2
Copperas, or green vitriol	-	-	-	-	5		Cassia	-	-	-	2
Cotton wool	-	-	-	-	2		Mace	-	-	-	3
Dry ginger	-	-	-	-	10		Pepper	-	-	-	6
Gums and drugs, not otherwise specified	-	-	-	-	3		Pimento, or allspice	-	-	-	2
Iron wrought bars	-	-	-	-	3	Tobacco, unprepared	-	-	-	-	5
Indigo	-	-	-	-	5	Turpentine	-	-	-	-	8
						Tutenague	-	-	-	-	2

Wines and spirits in casks; a deduction for ullage of 10 per cent. shall be allowed at the time of being received into warehouses.

Board may license any private warehouses.

Licence to be revocable at pleasure, unless otherwise stipulated.

Applications for licence for private warehouse to be in form (C.) with particulars filled up.

Collector or warehouse-keeper to have access to all licensed warehouses for himself and his officers. Proprietors refusing admittance, subject to penalty of 1,000 rupees and withdrawal of licence.

Bonds for duty to be put in suit seven days after notice of such penalty or of withdrawal of licence.

If goods be found deficient beyond the wastage allowance at the time of delivery from warehouse, owner to forfeit ten times the duty on the deficiency.

If found excessive, the duty to be paid on the excess goods to be paid.

XIX. And it is hereby enacted, that the Board or other controlling authority of customs shall have power to license warehouses belonging to private persons for the reception of goods with duty bonded under the rules of this Act, in like manner as prescribed for public warehouses; and every licence so granted to a private warehouse shall be liable to be revoked at pleasure by the Board or other controlling authority of customs, unless otherwise specifically stipulated in the licence.

XX. And it is hereby enacted, that applications for licences for private warehouses shall be drawn up in the form marked (C.) annexed to this Act, and shall specify the particulars therein stated, and the situation of the warehouses, and their distances respectively from the custom-house in English yards.

XXI. And it is hereby enacted, that the collector of customs, or other warehouse keeper shall have access for himself, or for any officer he may depute for the purpose, to any private warehouse licensed as above. And if the proprietor thereof shall not open the same when required, or shall refuse to admit the collector or warehouse-keeper, or the officer of either, upon demand made at any time within the hours of business at the port, the proprietor of the warehouse shall be liable to a fine not exceeding 1,000 rupees, and further, to have the licence for the warehouse cancelled and withdrawn, and all bonds executed for duty chargeable upon goods therein deposited shall become due and be put in suit for the levy of the duty and other demands of customs, after seven days shall have passed from the date when the collector of customs or warehouse-keeper shall give notice of any licence being withdrawn.

XXII. And it is hereby enacted, that if goods lodged in a private warehouse shall be found to be deficient at the time of delivery therefrom beyond the allowance for wastage prescribed in the table annexed to section XVIII. of this Act, the owner or consignee, or other party who may have lodged the goods in the warehouse, shall, unless the deficiency be accounted for to the satisfaction of the collector of customs, forfeit to Government a sum equal to ten times the duty chargeable on the quantity of goods deficient; and if goods be found to exceed the registered quantity, such excess, unless similarly accounted for, shall be charged with ten times the ordinary duty thereon; and when any penalty shall be incurred under this section, the goods shall not be removed until the same is paid.

XXIII. And

XXIII. And it is hereby enacted, that the collector of customs shall have authority at any time to issue his warrant or written order, and to cause any goods or packages lodged in a public or private warehouse to be opened and weighed, or otherwise examined as he may direct. And after goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit; and when goods shall have been so sealed or marked (after examination), they shall not be again opened without permission from the Board, or other controlling authority of customs, except when the proprietor or consignee shall apply to have them opened, and in every such case the packages shall be again sealed or marked as before.

Collector of customs may issue warrant for breaking packages to search and examine goods. When re-packed to be sealed; and seal not to be re-broken without sanction of Board;

except under application from proprietor, then to be re-sealed.

XXIV. And it is hereby enacted, that when goods shall be received into warehouse, or shall be removed therefrom, the packages shall be stamped with a conspicuous seal or stamp, containing the words—

Goods to be stamped on reception into or delivery from warehouse.

“Warehoused and Duty Bonded,” or, “Delivered for Exportation,” or “Removed for Importation,” accordingly as the goods may be received or removed for one or other purpose; and any person who shall remove or efface a stamp or seal affixed by an officer of customs, or who shall change the outer cover of any package so marked, or change the contents thereof while goods are in warehouse, without giving notice and obtaining permission of the collector of customs, shall for every such offence forfeit the sum of 500 rupees upon conviction before a magistrate or justice of the peace of the place. Provided however, that the owners and consignees of goods shall be at liberty to take out samples of their goods of such limited quantity as shall be deemed by the collector of customs reasonable and proper.

The stamp not to be removed or effaced without sanction of collector,

under penalty of 500 rupees on conviction before a magistrate. But owners may be allowed by the collector to take samples.

XXV. And it is hereby enacted, that no goods shall be removed from any warehouse except under application to the collector of customs for the goods to be passed for export or for importation, in like manner as for other goods passed through the custom-house, or for removal to another warehouse, as prescribed in section XXVIII. of this Act.

Goods not to be removed from warehouse without being passed through the custom-house.

XXVI. And it is hereby enacted, that if any owner or consignee of goods shall in any way break a package for removal of any part of the goods, the entire package shall be levied for all the goods contained therein.

Package to be broken duty to be levied on the goods contained therein.

XXVII. And it is hereby enacted, that applications to remove goods from warehouse shall be made in the form marked (D.) hereunto annexed, and 24 hours' notice shall ordinarily be given to the collector of customs or warehouse-keeper of the intention to remove goods.

To remove goods to be made in form (D.), and 24 hours' notice to be given of removal.

XXXVIII. And it is hereby enacted, that owners or consignees of goods warehoused and bonded for duty under this Act, may remove the same from one public or licensed warehouse to any other; and when they shall desire so to remove goods, they shall make application in the form marked (E.) hereunto annexed, furnishing the information specified, and filling up the columns left in the said form, with all the particulars therein contained.

Goods may be moved from one warehouse to another on application in form.

XXIX. And it is hereby enacted, that if goods warehoused and bonded for duty shall be destroyed by fire or other accident, no duty shall be chargeable thereon, provided that if they be destroyed in a private warehouse, notice thereof be given to the collector of customs or warehouse-keeper within 48 hours of the discovery of the accident; and if goods, when lodged in warehouse, shall receive damage, they shall be assessed for duty according to their actual value, and bond for the same executed for the unexpired term of warehousing.

No duty to be levied by fire or other accident; and if damaged, duty to be levied on the damaged value.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to penalty under this Act, the collector of customs at the port shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit; provided, however, that if the collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive until the case shall have been reported to the Board or other superior authority of customs, and the award shall have been confirmed by that authority. And it is further enacted, that the Board or other controlling authority of customs shall have the power of mitigating any penalty that may be incurred on account of warehoused goods, to the extent of reducing the same to a levy of double duty.

Penalties under this Act to be adjudged by the collector of customs,

subject to confirmation by the Board or other superior authority of customs.

ACTS of 1836.

(A.)

**FORM of Application for the Reception of Goods imported by Sea in
Warehouses.**

To the Collector of Sea Customs at Calcutta.

Sir,

Please to order the reception into the government [or private warehouse of Mr. A. B. situate at _____, and licensed by No. _____, dated _____], of the under-mentioned goods, being of the growth or manufacture of [place to be stated], and arrived from [port or place to be mentioned], on the [British or other] ship _____, whereof _____ is commander, the duty upon which goods has been adjusted in the manner hereafter specified.

Marks and Number of Packages.	Description of Packages and Goods.	Contents of Goods.	Rate of Value of the Goods.	Amount of Value of the Goods, as ascertained and entered on the landing of the same.	Rate of Duty, both of Customs and Town Duty.	Date and Number of Importation.	Specification of the Particulars of Bonds, if the Duty upon the Goods has been bonded.
Total							

Total

(signed)

[By the owner, agent, or consignee
of the goods.]

(B.)

FORM of Bond for Import Duty.

Know all men by these presents, that we _____, now of Calcutta, at Fort William, in the province of Bengal, in the East Indies, and _____, of the same place, are jointly and severally held and firmly bound unto the East India Company in the sum of _____ rs. _____, to be paid to the said East India Company, or their certain attorney, agent, successors, or assigns, for which payment, well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective heirs, executors, administrators, and representatives, by these presents; sealed with our respective seals, dated the _____ day of _____ in the _____ year of Christ _____; and the said _____ for themselves and each of them, and their respective heirs and representatives, covenant and agree that, in case of dispute touching the matter of this obligation, or the condition thereof, the same may be heard and determined in the supreme court of judicature at _____

Whereas the above bounden _____ hath [or have] applied to the collector of sea customs of the said East India Company at _____ for and have obtained permission to lodge in a certain public [or licensed] godown for a period of 15 months, subject to the Rules or Regulations of government, the following goods, that is to say [here a large blank should be left for describing the goods], being of the growth or manufacture of _____, and imported by sea from _____ on board the _____ ship _____, and entered in the custom-house book as No. _____ of the register of goods imported by sea.

Now the condition of this obligation is such, that, if the above bounder [the principal] his or their heirs, executors, administrators, representatives, or assigns, shall in all things well and truly observe and keep all and singular the rules prescribed in Act No. XXV. of 1836 to be observed and kept by the owners, importers, or consignees of goods bonded at warehouse, and by the persons obtaining permission to bond and warehouse

good

goods under the provisions thereof; and if the said [the principal] his [or their, if more than one] heirs, executors, administrators, representatives, or assigns, do and shall well and truly pay or cause to be paid to the collector of customs for the time being for the port, of all such dues, whether of customs or of lawful charges, as shall be due or demandable upon the said goods, or on account of penalties incurred in respect to them, at or before the expiration of 15 months from the date of these presents, or before, or at the expiration of such further time as the board of customs shall allow in that behalf, together with interest thereon, at the rate of _____ per cent. per annum from the date of demand thereof being made by the said collector of customs in writing; and further, if the said goods, after being so warehoused, or any part thereof, shall not, within the term so fixed or to be enlarged, be removed from the said public [or licensed] godowns, or in case the said goods, or any part thereof, shall be removed from the said public [or licensed] warehouse at any time within the said term, either for importation or for exportation by sea; then and in such case, if the full amount of all such duties, charges, and penalties as may be payable or demandable as aforesaid shall have been first paid and satisfied on the whole quantity of the said goods, then this obligation to be void and of no effect; otherwise, and on breach or failure in the performance of the said several conditions, or any of them, the same to be in full force and virtue.

ACTS of 1836

Sealed and delivered, &c.

(C.)

FORM of Application to obtain Licence for Private Warehouses.

To the Collector of Customs at Calcutta.

Sir,

Please to submit to the Board of Customs [or other controlling authority of customs] my request to be furnished with a licence, under Act No. XXV of 1836, for a warehouse, situate at _____, and about the distance of _____ yards from the custom-house; the dimensions and other particulars of the godown are stated below, and the same is intended for the reception of all goods as a general storehouse [or as the case may be], the period of licence not to exceed [mention the time for which period].

Particulars of Godown.

Length, feet, inches	} Dry, airy, well-flued, and puckah built, can contain with perfect safety and convenience about _____ tons of goods.
Breadth, ditto, ditto	
Height, ditto, ditto	

The same being my own property [or the property of _____], from whom I have engaged the same on a lease of _____.

(signed) [By the applicant.]

(D.)

FORM of Application for Removal of Goods from Warehouses.

To the Collector of Government Customs.

Sir,

Please to order to be passed from the government [or private] warehouse [of Messrs. A. & Co. situate at _____, and licensed under Act No. XXV. of 1836, by No. _____, dated _____] the under-mentioned goods intended for exportation by sea, on the British ship _____, Captain _____, bound to _____, [or for internal consumption, or to be consigned to any station in the interior, as the case may be], the same having been entered in the books of your office for the said warehouse, under No. _____, dated _____, by me [or by Messrs. B. & Co. whose certificate of the transfer of the goods is herewith annexed].

ACTS of 1836.

Marks and Numbers of Cases. B. & Co. [Name of the Goods.] No. 1 to 4. ☐ ☒ ☒ Sealed. "Warehoused for Exportation."	4 Cases of [name of Goods.] 1 Case [Box, Bale, or Parcel], containing [here insert the quantity in each case.] 1 Ditto. 1 Ditto. 1 Ditto. 4 Cases [Boxes, Bales, or Parcels], con- taining [total contents to be here stated.]
--	---

Custom-house value of the above, rupees , and please to
receive the amount of duty bonded for the said goods, by bond No. , dated
, allowing drawback for exportation on British bottom [or as the case
may be].

(signed) [Either by the owner, agent, or
consignee of the goods.]

(E.)

FORM of Application for the Removal of Goods from one Warehouse to another,
during the period for which the indulgence of Warehousing may have been
obtained.

To the Collector of Government Customs at Calcutta.

Sir,

Please to permit the removal of the undermentioned goods from the govern-
ment [or other licensed] warehouse to [the warehouse into which the removal is
intended to be made must here be distinctly described], for the unexpired period
of warehousing due on the goods, the same having been originally entered by
virtue of Act No. XXV. of 1836, in the books of the warehouse department,
under No. , dated , for 15 months [or such other period as may
have been allowed, to be here stated], under all the obligations and conditions
at present attached to the goods.

Marks and Numbers of Packages.	Description of Packages and of Goods.	Contents of Packages.	Rate of Value of Goods.	Amount of Value of Goods as entered in Custom-House Books.	Rate of Duty chargeable or paid upon the Goods.	Name of the Persons by whom Goods first passed into Warehouses.

Note.—If the goods to be removed shall have been sold or transferred by
the original proprietor or agent, a certificate of such sale or transfer shall
accompany the application.

(signed) [By the owner, agent, or consignee
of the goods.]

ACT No. XXVI. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th November 1836.

I. IT is hereby enacted, that as often as the Governor-General of India, or
the Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor
of the N. W. P. shall pass through any part of the territories of the East India
Company, attended by a camp, it shall be lawful for the Governor-General of
India in Council, by an Order in Council, to appoint a superintendent of the
police of such camp.

II. A

II. And it is hereby enacted, that with respect to all offences committed in any such camp, or on the line of march between the stations of any such camp, such superintendent shall have concurrent criminal jurisdiction with the magistrate of the zillah or city within which such offence shall have been committed.

ACTS of 1836.

III. And it is hereby enacted, that as often as the said superintendent shall, by virtue of the powers conferred on him by the preceding clause, commit any person for trial before the sessions court, or sentence any person to imprisonment, it shall be lawful for the said superintendent to transmit such person to the magistrate of the zillah or city where the camp shall then be, with a copy of the commitment or sentence, under the hand of him the said superintendent, and the said magistrate shall give effect to such commitment or sentence.

IV. And it is hereby enacted, that all officers subordinate to the magistrate of the zillah or city where such camp shall be, shall be assisting to the said superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said magistrate.

ACT No. XXVII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th November 1836.

I. IT is hereby enacted, that Regulation V. of 1817, of the Madras code, intituled "A Regulation for providing a succession of Hindoos and Mahommedans duly qualified, to be employed as Law Officers and as Vakeels in the Courts of Adawlut, under the Presidency of Fort St. George," be repealed.

II. And it is hereby enacted, that candidates for the situation of vakeel in the courts of Adawlut under the presidency of Fort St. George, shall in future be appointed under the provisions of section III. Regulation XIV. of 1816, and that the qualifications of candidates for the situation of law officers be ascertained, by examination before the law officers of the Court of Sudder and Foujdaree Adawlut, with reference to the provisions of section III. Regulation XI. of 1802, and clause 2, section III. Regulation VII. of 1822.

ACT No. XXVIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th November 1836.

I. IT is hereby enacted, that from the 1st day of December 1836, no assessment made by the justices of the peace for the presidency of Fort St. George under the authority of the Act of Parliament of the 33 Geo. 3, c. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort St. George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort St. George, by an Order in Council, to exempt any district, or portion of a district, from payment of any such assessment.

ACT No. XXIX. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 14th November 1836.

I. IT is hereby enacted, that from the 1st day of December 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion the number of sudder ameens within that presidency.

II. And it is hereby enacted, that such parts of any of the regulations in force as authorize the registers of the zillah courts and sudder ameens within the presidency of Fort St. George to receive any fee or commission for judicial duties performed by them, be repealed: provided always, that this rule shall not be construed to prohibit the receipt of fees for the registry of deeds.

ACTS of 1836.

ACT No. XXX. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 14th November 1836.

I. IT is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the territories of the East India Company, shall be punished with imprisonment for life, with hard labour.

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits, anything to the contrary in any regulation contained notwithstanding.

III. And it is hereby enacted, that no court shall, on a trial of any person accused of the offence made punishable by this Act, require any futwa from any law officer.

ACT No. XXXI. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th November 1836.

IT is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras code, relating to grants of money or land revenue made by the British Government, shall be extended to all similar grants within the territories subject to the presidency of Fort St. George, which, having been made by any native government, have been confirmed or continued by the British Government.

ACT No. XXXII. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th November 1836.

I. IT is hereby enacted, that if any person after the 1st day of December 1836 lands or attempts to land in any part of the territories subject to the government of the presidency of Fort William in Bengal any sugar, which is not the growth of a British possession, into which foreign sugar cannot be legally imported, such sugar shall be seized and confiscated by the collector of the customs, or by any other officer thereunto authorized by the Governor of the said presidency, unless the district in which such sugar is landed, or in which an attempt has been made to land such sugar, be a district in which the Governor-General of India in Council has authorized the importation of such sugar.

II. And it is hereby enacted, that if any owner of sugar, the produce of the said territories, or duly authorized agent of such owner, desires to obtain a certificate of origin from the collector or assistant collector of the land or custom revenue of any district within the said territories, or from any other officer appointed by the Governor-General of India in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (A.)

III. And it is hereby enacted, that if the district be one into which the Governor-General of India in Council has not by any order authorized the importation of foreign sugar, or of sugar the growth of any British possession into which foreign sugar can be legally imported, the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the Schedule hereunto annexed, marked (B.)

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of customs at that place, or to any other officer who may have been appointed by the Governor-General of India in Council to act on such occasions in place of the collector of customs, a certificate, such as is above described, and also, in the presence of the officer to whom he

has so produced such certificate, to make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (C). ACTS of 1336.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration a certificate, in the form contained in the Schedule hereunto annexed, marked (D).

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such court as would be competent to try such person for perjury, be punished by fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

SCHEDULES.

(A.)

I, A. B. solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the produce of the district of

DESCRIPTION of the SUGAR to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.

The day of 18 (signed) A. B.

(B.)

I, C. D. collector of land revenue [or collector of custom revenue, or being an officer appointed by the Governor-General of India in Council to act in this behalf] for the district of , do hereby, in conformity with the provisions of Act No. XXXII. of 1836,, grant this certificate under my hand and seal, that the sugar hereinunder described is of the produce of the district of , and that the importation of foreign sugar, and of sugar the growth of any British possessions into which foreign sugar can be legally imported, is prohibited in the said district of

DESCRIPTION of the SUGAR to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

(L. S.) (signed) C. D.

ACTS of 1836.

(C.)

I, *E. F.* shipper of the sugar hereinunder described, solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

DESCRIPTION of the SUGAR to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of Ship in which the Sugar is shipped, or to be shipped.	Name of the Master of the Ship.

(signed) *E. F.*

(D.)

I, *G. H.* collector of customs [or being an officer appointed by the Governor-General of India in Council to act in this behalf] for the port of _____, certify under my hand and seal, that there has been produced to me by *E. F.* the shipper of the sugar hereinunder described, a certificate under the hand and seal of *C. D.* collector of land revenue [or collector of customs revenue, or being an officer appointed by the Governor-General of India in Council to act in this behalf] for the district of _____, in the territories subject to the government of the presidency of Fort William in Bengal, which certificate certifies that the said sugar is of the produce of the said district, and that the importation of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

DESCRIPTION of the SUGAR to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.
said certificate				

(L. S.)

(signed) *G. H.*

ACT No. I. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 6th February 1837.

IT is hereby enacted, that from the 1st day of March next it shall be lawful for any one justice of the peace for the town of Calcutta to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, c. 52, and every such warrant shall have the same force as if it were under the hands and seals of two such justices.

ACT No. II. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 6th February 1837.

I. IT is hereby enacted, that from the 1st day of March next, Regulation IX. of 1830, and Regulation XI. of 1831, of the Bombay Code, and Act No. XVIII. of 1836, of the Governor-General of India in Council, be repealed.

II. And it is hereby enacted, that the following rates of toll shall, from the said day, be levied in the Company's currency at the tollgate of the Bhoze Ghaut on vehicles and animals, both in going and returning :

On every four-wheeled carriage on springs	- - - - -	1 rupee.
On every two-wheeled carriage on springs, except native hackeries	- - - - -	$\frac{1}{2}$ rupee.
On every native hackery on springs	- - - - -	2 annas.
On every labour cart and labour hackery not on springs, and having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two bullocks	- - - - -	$\frac{1}{2}$ rupee.
On every such labour cart and labour hackery drawn by four bullocks	- - - - -	1 rupee.
On every labour cart and labour hackery not on springs, and not having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two bullocks	- - - - -	$1\frac{1}{2}$ anna.
On every such labour cart and labour hackery drawn by four bullocks	- - - - -	3 annas.
On every elephant	- - - - -	$\frac{1}{2}$ rupee.
On every camel	- - - - -	$\frac{1}{2}$ rupee.
On every saddle horse and harness horse	- - - - -	1 anna.
On every tattoo	- - - - -	6 pie.
On every score of sheep or goats	- - - - -	2 annas.
On horned cattle per head	- - - - -	2 pie.
On every beggar a load for hire	- - - - -	2 pie.
On every mule riding	- - - - -	3 pie.
On every mule using	- - - - -	1 anna.
On every ass	- - - - -	1 pie.
On every palna or all native palanquin	- - - - -	$\frac{1}{2}$ rupee.

III. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay to appoint persons for the collection of the tolls aforesaid, which persons shall, in the execution of such their office, be liable to the same responsibility as would attach to them if they were employed in the collection of the land revenue.

IV. And it is hereby enacted, that it shall be lawful for the persons employed in the collection of the tolls aforesaid, in case of non-payment of the toll on any property, to stop such property, or such part thereof as may be adequate to the charge of the toll due, and that every police officer when thereunto required shall be assisting to the persons employed in the collection of the tolls aforesaid in the discharge of their duties.

V. And it is hereby enacted, that in case any toll due shall remain unpaid the space of 24 hours after such detention of property as is aforesaid, it shall be lawful for such person as the Governor in Council of Bombay shall appoint to

ACTS of 1837.

act in that behalf, to direct the sale of the property detained, and to reserve out of the proceeds of such sale a sum equivalent to the toll due; and also in cases in which it shall appear to that person that the payment of the toll has been contumaciously refused, to reserve a fine not exceeding five rupees; and that the surplus, if any, shall be repaid to the owners of the property on application.

VI. Provided always, that nothing herein contained shall be taken to deprive the owner of any property detained as aforesaid of his right of action in the civil court of the zillah for any injury which may have been done to him under colour of carrying this Act into execution.

VII. Provided also, that nothing herein contained shall be held to prevent the Governor in Council of Bombay from granting any exemption from payment of the said tolls, or from granting a farm of the said tolls.

ACT No. III. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th March 1837.

I. IT is hereby enacted, that it shall be lawful for each of the courts of Sudder Dewanny Adawlut within the territories subject to the presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of the register of such court of Sudder Dewanny Adawlut, that the cognizance of any original suit, or of any appeal which may be brought before any zillah or city court subordinate to such court of Sudder Dewanny Adawlut, shall be transferred to any other zillah or city court subordinate to the same court of Sudder Dewanny Adawlut.

II. Provided always, that whenever either of the said courts of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding clause, direct the transfer of the cognizance of any suit, such court of Sudder Dewanny Adawlut shall cause the reasons for such transfer to be recorded on its proceedings.

ACT No. IV. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 17th April 1837.

I. IT is hereby enacted, that after the 1st day of May next it shall be lawful for any subject of His Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property aforesaid may now be acquired and held by natives of the said territories shall extend to all persons who shall, under the authority of this Act acquire or hold such property.

ACT No. V. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 1st May 1837.

I. IT is hereby enacted, that from the 1st day of June next no native of India except as hereinafter excepted, who makes a contract of service to be performed without the said territories, shall be received in pursuance of such contract board of any vessel at any place within the territories subject to the presidency of Fort William in Bengal without an order from the governor of the said presidency, or a permit from an officer authorized by the governor of the said presidency, to act in that behalf.

II. And it is hereby enacted, that before any such permit shall be granted to any such officer, such native, and also the person with whom such native has contracted

contracted, or an authorized agent of that person, shall personally appear before that officer, and shall exhibit a memorandum of the contract (written both in English and in the mother tongue of such native, or in some language understood by such native,) which memorandum shall specify the nature, the term, and the wages of the service as settled by the contract.

III. And it is hereby enacted, that no such permit shall be granted unless the contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years, and unless such contract shall contain a stipulation that such native shall be conveyed back to the port at which he is embarked free of charge to himself at the expiration of his service.

IV. And it is hereby enacted, that it shall be lawful for the said officer to examine the said native, and the person with whom that native has contracted, or the agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said native.

V. And it is hereby enacted, that if the said officer shall be satisfied that the said native fully understands the terms of the contract, and is desirous to fulfil the same, the said officer shall make and sign, on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him, the said officer, and such note shall be a permit authorizing the said native to embark, and the memorandum of contract, with the permit so written thereupon, shall be delivered to the native, to be kept by him during his service.

VI. And it is hereby enacted, that if application is made for permits authorizing more than 20 natives to embark on board of any one vessel, it shall be lawful for the officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food, and medical attendance provided for such natives on board of that vessel, and to inspect that vessel, or by an order under his hand to depute any other person to inspect the same.

VII. And it is hereby enacted, that the officer aforesaid shall not grant permits authorizing a greater number of natives than 20 to embark on board of any one vessel, unless he is satisfied that the accommodations, food, and medical attendance provided for such natives on board of that vessel will be sufficient for their health.

VIII. And it is hereby enacted, that the officer aforesaid shall keep a register of all natives to whom he shall grant such permits as aforesaid, which register shall specify their names, the periods of the contracts, the dates of the permits, the places of their destination, and the vessel on board of which they were permitted to embark.

IX. And it is hereby enacted, that for every such permit it shall be lawful for the officer aforesaid to require that a fee not exceeding one rupee shall be paid by the person with whom the native to whom the permit relates has contracted, or by the authorized agent of that person.

X. And it is hereby enacted, that whoever, being in charge of any vessel at any place within the territories subject to the presidency of Fort William in Bengal, shall knowingly suffer any such native as is aforesaid to embark on board of that vessel in pursuance of any such contract as is aforesaid without either an order from the governor of the said presidency, or such a permit as is aforesaid being produced to him by the native so embarking, shall, on conviction thereof before a magistrate, be punished with a fine not exceeding 200 rupees for every native so suffered to embark, and in default of payment of such fine, imprisonment for a term not exceeding 30 days for every native so suffered to embark.

Provided always, that nothing in this Act contained shall be taken to apply to any native seaman who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a domestic servant.

ACTS of 1837.

ACT No. VI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 1st May 1837.

I. IT is hereby enacted, that every malgoozar in the province of Cuttack, and every body of malgoozars in the said province having as such body joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the mehaul for which they have engaged, shall be answerable for the jumma fixed by the terms of the settlement now existing for every mehaul of such malgoozar, or body of malgoozars, until a new settlement of such mehaul shall be completed and confirmed according to the provisions of Regulation VII. of 1822, and Regulation IX. of 1833 of the Bengal code.

II. Provided always, that if any such malgoozar, or body of malgoozars, shall, before the 1st day of August 1837, notify to the collector of the district within which any mehaul of such malgoozar, or body of malgoozars, as aforesaid may be situated, that it is the intention of such malgoozar, or body of malgoozars, to relinquish the existing engagements of such malgoozar, or body of malgoozars, in respect of such mehaul, at the expiration of the term for which those engagements have been made, it shall be lawful for such malgoozar, or body of malgoozars, to relinquish the said engagements at the expiration of the said term.

ACT No. VII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 1st May 1837.

IT is hereby enacted, that it shall be lawful for any of the courts established by His Majesty's charters, in any case in which such court shall have recommended to His Majesty the granting of a free pardon to any convict, to permit such convict to be at liberty on his own recognizance.

ACT No. VIII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 8th May 1837.

I. IT is hereby enacted, that from the 1st day of July 1837 the districts of Anjengo and Changancherry shall form a separate jurisdiction, which shall belong to the western division of the territories, subject to the government of the presidency of Fort St. George.

II. And it is hereby enacted, that from the said day the British resident in Travancore shall exercise the ^{power} of judge and criminal judge within the said jurisdiction, sending to Calicut the parties and proceedings in cases to be tried by the court of circuit, and that the said resident shall also exercise within the said jurisdiction all the powers of a magistrate, anything contained in the Regulations of the Madras Code to the contrary notwithstanding.

ACT No. IX. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 15th May 1837.

I. IT is hereby enacted, that from the 1st day of June 1837 all immovable property situate within the jurisdiction of any of the courts established by His Majesty's charter shall, as far as regards the transmission of such property by death and intestacy of any Parsee having a beneficial interest in the same, be taken to be and to have been of the nature of freehold.

II. Pro

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, if such transmission took place before the said 1st day of June 1837, and if such transmission were either according to the rules which regulate the transmission of freehold property, or else took place with the acquiescence of all persons to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of such Parsee.

ACT No. X. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 22d May 1837.

I. IT is hereby enacted, that from the date of the passing of this Act, Regulations I. and IX. of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore, and Malacca, and likewise Regulation I. of 1831, passed by the Vice-president in Council, shall be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, to appoint one or more commissioners for the purpose of inquiring into, and deciding upon, claims to hold lands within any of the settlements of Prince of Wales' Island, Singapore, and Malacca, whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing clause or not; provided nevertheless, that every person holding land in any of the settlements aforesaid, under a grant or title registered in conformity with the provisions of the said Regulations, shall be entitled to hold such land for such terms, and on such conditions as are specified in such grant or title.

III. And it is hereby enacted, that on the arrival of any such commissioner in any of the said settlements, it shall be lawful for such commissioner to require that all claims and applications to hold lands in that settlement, which may be pending before the resident councillor, collector, or superintendent of land revenue, shall be transferred to the said commissioner, to be dealt with by him according to the powers vested in him by authority of this Act.

IV. And it is hereby enacted, that it shall be lawful for any such commissioner, whenever he may be within any of the said settlements, to cause a survey or measurement to be made of any lands within that settlement, in such manner as he may deem proper, and to require, by a summons under his hand, any person resident within that settlement to attend before him, and to produce any document relating to the right to any land, or interest in land within that settlement; and it shall further be competent to the said commissioner to examine any such person, upon oath, touching the right to any such land, or interest in such land.

V. And it is hereby enacted, that whenever any such commissioner, being within any of the said settlements, shall, in prosecution of the duties assigned to him by this Act, discover that any person owning or occupying lands within that settlement, under any grant or title registered in conformity with any of the Regulations repealed by section I. shall be in possession of more land than is specified in such grant or title, it shall be competent to the commissioner aforesaid to declare the land so held in excess to be liable to separate assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land on any of the settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the land, or if such claim shall arise out of any proceeding or inquiry held by the commissioner under this Act, it shall be competent to the said commissioner to enquire into, and to decide upon, the claim; and in every case in which the said commissioner shall be of opinion that the claim is a fair one, the said commissioner shall make a declaration, assigning the land to which there may be such fair claim to the party claiming the same, as such fair claim, on such conditions and for such term as may be prescribed by law.

ACTS of 1897.

scribed under the rules laid down for the guidance of the said commissioner, and such decree shall constitute a good title, as against the Government, to the land therein assigned, on the conditions and for the term therein specified.

VII. And it is hereby enacted, that whenever the commissioner aforesaid, under the power vested in him by section IV. of this Act, shall require the attendance of any person, or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said commissioner, stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful summons to attend before the said commissioner, or to produce any document which he is required by the said commissioner, in the exercise of the lawful powers of the said commissioner, to produce, or to answer any lawful question put by the said commissioner, it shall be competent to the said commissioner to impose upon the person so wilfully omitting, for every such wilful omission, a fine not exceeding 50 rupees, commutable, if not paid, to imprisonment by order of the commissioner, in the civil gaol, for a period not exceeding one month.

IX. And it is hereby enacted, that whoever shall forcibly resist, or cause to be resisted, any such commissioner, or any person employed by such commissioner, in the performance of anything which such commissioner is by this Act authorized to perform, or to cause to be performed, shall, on conviction before a magistrate, be punished with imprisonment for a term not exceeding one year, or fine, or both, in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

X. And it is hereby enacted, that whoever, being under examination before any such commissioner, either on oath or on a declaration received instead of an oath, knowingly and deliberately affirms that to be true which he knows to be false, touching any point material to the question which the commissioner is investigating, shall be taken to be guilty of perjury, and dealt with accordingly.

XI. And it is hereby enacted, that all orders and decrees passed by any such commissioner, by which the possession of any land within any of the settlements aforesaid shall be altered or affected, shall be final.

XII. Provided always, that if any party objects to any decree or order of the said commissioner, on the ground that such decree or order deprives that party of a legal right to land, or to some interest in land, it shall be lawful for that party, at any time within six weeks after the making of such decree or order, to move the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to quash such decree or order, which court shall try the question whether such decree or order be or be not inconsistent with any legal right of the party moving; and if the said court shall decide that such decree or order is inconsistent with any such legal right, the decree or order of the commissioner shall be quashed by the said court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a decree or order of any such commissioner shall or shall not be quashed, except when the recorder is sitting in the said court, if there be at that time a recorder.

XIV. And it is hereby enacted, that no decree or order of any such commissioner shall be executed until six weeks shall have elapsed from the date of such decree or order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature, as provided for in section XII. of this Act, in that case the decree or order with respect to which such application is made shall not be executed until such application shall be finally disposed of by the said court.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid, shall be made within the period fixed in section XII. of this Act, the said commissioner shall proceed to execute the order or decree by him, in the same manner as the decrees of the Recorder's Court are executed, and all sheriffs, magistrates, constables, and other public officers, are enjoined and required to be aiding and assisting in the execution of the said

XVI. And it is hereby enacted, that every commissioner appointed under this Act shall be guided in the performance of the duties confided to him under the provisions of this Act, by such instructions as he shall from time to time receive from the Governor of Bengal.

ACTS of 1837.

ACT No. XI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 29th May 1837.

IT is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay code, be repealed.

ACT No. XII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 5th June 1837.

I. IT is hereby enacted, that every house and outhouse built within the city of Calcutta, after the 1st day of November 1837, shall be covered with an outer roof of incombustible materials, and that, if any house or outhouse be built in contravention of this provision, the owner of such house or outhouse shall, on conviction before a magistrate, be punished with fine not exceeding 100 rupees.

II. And it is hereby enacted, that it shall be lawful for the superintendent of the police of the said city, from the date of the passing of this Act, to tender to the owner of any house or outhouse within the said city, which house or outhouse may have been built before the said 1st day of November 1837, and which may not be covered with an outer roof of incombustible materials, a sum of money to defray the expense of covering such house or outhouse with such an outer roof, and that if the owner of such house or outhouse shall accept the sum so tendered, and shall engage that such house or outhouse shall be covered with such an outer roof within a certain time, and shall not within that time cause such house or outhouse to be covered with such an outer roof, such owner shall, on conviction before a magistrate, be punished with a fine not exceeding ten times the sum so accepted by such owner.

III. And it is hereby enacted, that if any house or outhouse shall be built in contravention of the provision contained in section I. of this Act, or if any owner of such house or outhouse shall refuse to accept a sum of money tendered by the said superintendent in the manner described in section II. of this Act, it shall be lawful for the said superintendent to cause such house or outhouse to be covered with an outer roof of incombustible materials without the consent of the owner thereof, and to cause such alterations to be made in the walls of such house or outhouse, as may enable such walls to support such outer roof, and to defray the expense out of any funds which may be put at the disposal of the said superintendent for that purpose either by the government or by any private person, or body of private persons.

IV. And it is hereby enacted, that whoever shall wilfully obstruct the said superintendent, or any person acting under the authority of the said superintendent, in the exercise of the powers given to the said superintendent by section III. of this Act, shall, on conviction before a magistrate, be punished with a fine not exceeding 100 rupees, in excess of any punishment to which the person so offending may be liable by reason of any other offence which he may commit in consequence of such obstruction.

And it is hereby enacted, that all fines levied under the authority of this Act shall be paid into the general treasury, and shall be applied to the purpose of defraying the expenses incurred in carrying this Act into execution.

ACTS of 1837.

ACT No. XIII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 5th June 1837.

IT is hereby enacted, that no trial by court martial which may have been held prior to the passing of this Act at any military station within the territories subject to the government of the presidency of Bombay, shall be deemed to have been illegal on the ground that such military station had not been proclaimed in the manner directed by section IX. Regulation XXII. of 1827, of the Bombay code.

ACT No. XIV. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 12th June 1837.

IT is hereby enacted, that whenever any foreign state in Asia or Africa shall permit, within the dominions of such state, the importation or exportation of goods in British vessels on the same terms on which it permits the importation or exportation of goods in vessels belonging to the subjects of such foreign state, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to direct that goods may be imported into the territories of the East India Company, or exported thence in vessels belonging to the subjects of such foreign state, on the same terms on which such goods are imported into the said territories, or exported thence in British vessels.

ACT No. XV. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th June 1837.

XII. Pro
said commi
of a legal right hereby enacted, that from the 1st day of July 1837 it shall be lawful for the party, at any civil magistrates and joint magistrates within the presidency of Fort St. George, to appropriate a portion of the tax levied under Regulation XXII. of 1816 of the Bengal code, to the purpose of cleansing and repairing the wharves and docks in which that tax is levied.
the party mo, it is hereby enacted, in lieu of the maximum rate prescribed by the inconsistent appointment referred to in section XI. of the abovementioned Regulation, shall be quashed, after the 1st day of July 1837 it shall be competent to the panchaite XIII. And by the said sunnud to fix the rate of assessment to be levied from the proprietor or principal occupier of any shop or habitation at two Company's rupees per mensem.

III. And it is hereby enacted, that no person whatever shall, either by reason of place of birth, or by reason of descent, be exempted from the payment of any assessment under Regulation XXII. of 1816 of the Bengal code, or under this Act.

ACT No. XVI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 3d July 1837.

I. IT is hereby enacted, that from the 15th day of July 1837 Regulation XXII. of 1817 of the Bengal code shall be repealed.

II. And it is hereby enacted, that when the customs duties fixed upon goods exported by sea from any port of Bengal or Orissa shall be

the value of such goods shall be declared by the exporter in the manner prescribed by Regulation VI. 1833 of the Bengal code, for goods imported into Calcutta by sea, and the provisions of that Regulation for cases of disputed value (excepting section IV. thereof, which prescribes the levy of duty when the goods are taken for government,) shall apply to goods intended to be exported by sea in like manner as for imported goods, and the value so to be declared by the exporter, shall include the packages or materials in which the goods may be contained.

III. And it is hereby enacted, that it shall be lawful for the Governor of the presidency of Fort William in Bengal, from time to time, by notice in the official gazette, to fix a value for any article liable to *ad valorem* duty, and that the value so fixed by the Governor of the said presidency shall, till altered by a similar notice, be taken to be the value of such article for the purpose of levying duty on the same.

IV. And it is hereby enacted, that every master of a vessel who shall remove from such vessel, or put on board thereof any goods, or cause or suffer any goods to be removed thence, or put on board thereof, between sunset and sunrise, or on any day when the Custom-house is closed for business, without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding 500 rupees.

V. And it is hereby enacted, that when, upon application from the commander of any vessel, the Custom-house officer shall be removed from on board thereof under the provisions to that effect contained in section XVI. of the Act XIV. of 1836, if the commander of such vessel shall before a Custom-house officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel, any goods whatever, such commander shall be punished with a fine not exceeding 1,000 rupees, and the goods shall be liable to be re-landed for examination at the expense of the shipper or shippers upon requisition to that effect from the collector of customs.

VI. And it is hereby enacted, that the commander of every vessel who is bound to receive a Custom-house officer on board of such vessel, shall also be bound to receive on board one servant of such officer, and to provide such officer and servant with suitable shelter and accommodation, and likewise with a sufficient quantity of fresh water, and with the means of cooking on board. If the commander of a vessel shall wilfully disobey the directions contained in this Act, he shall be punished with fine not exceeding 500 rupees.

VII. And it is hereby enacted, that no cargo-boat, laden with goods for exportation by sea, shall make fast to, or lie alongside of, any vessel, unless there shall be on board the boat, or have been received by the commander of the vessel, a Custom-house permit or order for the exportation of the goods; and the goods on board of any boat that may so be made fast to a vessel, if such goods be not covered by a Custom-house permit accompanying them, or previously received by the customs officer, shall be liable to confiscation.

VIII. And it is hereby enacted, that when goods shall be sent from on board ship for the purpose of being landed and passed for importation, there shall be sent with each boat-load or other separate despatch, a boat-note, specifying the number of packages and the marks and numbers or other description thereof, and such boat-note shall be signed by an officer of the vessel, and likewise by the customs officer that may be on board; and if any imported goods be found in a boat proceeding to land without a boat-note, or if, being accompanied by a boat-note, they be found out of the proper track between the ship and the custom-house wharf, or other wharf or ghaut at which they have been permitted to land, the boat containing such goods may be detained by any inspector, or any other officer of the preventive service of the custom-house, duly authorized by the collector of customs, and unless the cause of deviation be shown to the satisfaction of the officers of customs, the goods shall be liable to confiscation.

XI. And it is hereby enacted, that when goods shall be brought to be passed by the custom-house, either for importation or exportation by sea, if the goods are in packages

ACTS of 1837.

packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

X. And it is hereby enacted, that if any person, after goods have been landed, and before they have been passed through the custom-house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation.

XI. And it is hereby enacted, in modification of the Article of Schedule (B.) of Act No. XIV. of 1836, which provides, that when sugar or rum shall be exported on British bottoms to any British possession, no duty shall be levied thereupon, and if on foreign bottoms, a duty of three per cent. only shall be levied; that the said exemption from duty and advantage of rate shall not hold or apply to the case of sugar exported to any British possession or settlement on the continent of India (including the port of Bombay), but duties shall be levied on such exports, in the same manner as upon sugar and rum exported to other places; and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the sugar so exported from Bengal may be subject, at any place of import within the possessions of the East India Company.

XII. And it is hereby enacted, in modification of section XVIII. of the Act XIV of 1836, that when goods shall be shipped after port clearance, if the same be imported goods entitled to drawback, such drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of section XV. of Act XIV. of 1836, that if goods landed at the custom-house be not claimed and cleared from the custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the goods on account of the duties, freight, and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of drawback upon any goods exported from any port of Bengal or Orissa, unless the export be made within two years from the date of the import in the custom-house registers, nor unless the claim to receive such drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the custom-house registers.

XV. And it is hereby enacted, that drawback shall not be allowed upon goods shipped in dhonies and native craft not navigated by pilots, and not having custom-house officers on board.

XVI. And it is hereby enacted, in modification of section LI. Regulation IX. of 1819, that the principal occupiers of wharves, Salt, and Opium, shall have power to fix, and from time to time revise, the rates of wharfage and godown rent-charges, and to determine the time within which goods shall be allowed to remain on the wharves or in the godowns of the custom-house free of charge, while the goods are waiting to be passed for import or export by sea.

XVII. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed on board ship before being sent to land, and levy duty according to the result of such weighing.

XVIII. And it is hereby enacted, that whoever shall intentionally obstruct the weighing directed by the preceding section, shall be liable to a fine not exceeding 500 rupees.

Passed by the Right Honourable the Governor-General of India in Council
on the 24th July 1837.

I. IT is hereby enacted, that Regulation XI. of 1830 of the Bombay code, shall be repealed.

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place within the territories of the East India Company, shall be in the Governor-General of India in Council.

III. Provided always, that it shall be competent to the said Governor-General of India in Council, and to any authority thereunto empowered by the said Governor-General in Council, to grant to any person or persons a license, permitting such person or persons to convey letters by post for hire from place to place within the said territories, and that it shall be lawful for any person or persons having such a license, to convey letters in conformity with the terms of such license.

IV. And it is hereby enacted, that it shall be lawful for the said Governor-General in Council, and for any authority which may have granted any such license as is described in the preceding section, to revoke such license at pleasure.

V. And it is hereby enacted, that whoever otherwise than under the authority of the said Governor-General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letters by post for hire from place to place within the said territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction, knowing the same to have been so conveyed, or is accessory to such conveyance, receipt or delivery, shall be punished with fine not exceeding 50 rupees for every letter so conveyed, received or delivered.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the government post, at the rates set forth in the Schedule marked (A.), which is annexed to this Act, and that the full postage shall be paid either on receipt, or on delivery, at the option of the sender, and that if the thing conveyed be transferred from a post-office in one presidency to a post-office in another presidency, no additional charge shall be made on account of such transfer.

VII. And it is hereby enacted, that when there is a banghy established on a line of road, and a person shall be entitled to demand that any letter or packet exceeding 12 tolas in weight, shall be conveyed by the letter post on that line of road.

And it is hereby enacted, that when there is no banghy established on a line of road, and packets exceeding 12 tolas in weight, and not exceeding 12 tolas in weight, shall be conveyed on that line of road by the letter post, and any letter or packet shall be charged with the postage of a letter of that description, of 12 tolas weight, sent by letter post.

And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule (A.) shall contain any writing whatever other than writing necessary part of the documents which such packet is stated to contain, and that whoever shall send any such packet by the government post, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule (A.), shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the government post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

XI. And it is hereby enacted, that proof-sheets marked as such may be sent by letter post at the rates set forth in Table 3 of Schedule (A.), provided they be brought.

ACTS of 1837.

brought to the Dispatching-office open, and be sealed in presence of the person in charge of such office.

XII. And it is hereby enacted, that the said Governor-General in Council shall frame a scale of distances as nearly as practicable, according to the distance by the nearest road between post-office stations, and that the rates of inland postage shall be calculated according to this scale.

XIII. And it is hereby enacted, that steam-postage, according to such rates as may from time to time be fixed by the Governor-General in Council, shall be levied on all letters and packets sent or received by any government steamer, and that such steam postage shall be in excess of any inland postage to which such letters or packets may be liable.

XIV. And it is hereby enacted, that ship postage according to the rates fixed in Schedule (B.) annexed to this Act, shall be levied on all letters or packets sent or received by sea through any government post-office, and not liable to steam postage.

XV. And it is hereby enacted, that when any vessel arrives by sea at any place within the said territories, at which there is a government post-office, the commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the post-office, or to some officer of the post-office authorized to receive the same; and that if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said commander shall, as speedily as possible, report the same to the postmaster-general, or postmaster of the place at which he has arrived, and shall act according to such directions as he may receive from such postmaster-general, or postmaster; and that the receipt of such postmaster-general or postmaster shall discharge such commander of all responsibility in respect of such letter or packet.

XVI. And it is hereby enacted, that every commander of a vessel who shall wilfully disobey any of the directions contained in the preceding section, shall be punished with fine, not exceeding 1,000 rupees.

XVII. And it is hereby enacted, that for every letter or packet delivered by a commander of a ship, in conformity with the directions of section XV. of this Act, the officer in charge of the post-office shall pay to the said commander the sum of one anna.

XVIII. And it is hereby enacted, that whenever any letter or packet is transhipped for transmission to any other place within the said territories, the commander of the vessel, which originally brought such letter or packet, shall be entitled to receive one anna for every such letter or packet, and that the commander of the vessel into which the letter or packet is transhipped, shall be entitled to receive half an anna from the person in charge of the post-office at the place of delivery, provided that the said last-mentioned commander delivers the same in conformity with the directions contained in section XV. of this Act.

XIX. Provided always, that no payment shall be made to the commander of any vessel on account of the delivery of any letter or packet unless the claim of such commander shall be preferred before the vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

XX. And it is hereby enacted, that the commander of every vessel leaving any place in the said territories by sea, shall receive on board of such vessel, every letter and packet which he shall be required to receive by any officer of the post-office, and shall sign a receipt for such letters and packets; and that every commander of a vessel who shall wilfully disobey any direction of this clause shall be punished with a fine not exceeding 1,000 rupees.

XXI. And it is hereby enacted, that whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the post-office, the person to whom it is delivered shall not be bound to pay the postage if he returns the letter or packet unopened, but if he opens the

he shall be bound to pay the postage due thereon; provided always, that if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the postmaster-general, or postmaster of the office from which the delivery took place, shall remit the said postage.

XXII. And it is hereby enacted, that every letter or packet which is rejected unopened by the person to whom it is directed, shall be returned by post to the sender, and that the said sender shall be bound to pay the return postage thereon, unless direct postage has already been paid thereon.

XXIII. And it is hereby enacted, that whenever any letter or packet, the sender of which is unknown, shall be rejected unopened by the person to whom it is directed, such letter or packet shall be opened by the officer in charge of the post-office from which such letter or packet was delivered to that person.

XXIV. And it is hereby enacted, that if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the officer in charge of the post-office from which such letter or packet was delivered, to withhold from the person so refusing, till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

XXV. And it is hereby enacted, that all letters and packets which have remained three months unclaimed at any post-office, shall be transmitted to the General Post-office of the presidency.

XXVI. And it is hereby enacted, that at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post-office of any presidency, shall be published in the Official Gazette of that presidency.

XXVII. And it is hereby enacted, that every letter and packet which may have remained 18 months unclaimed in the General Post-office of any presidency, shall be opened by the postmaster-general of that presidency, and that all valuable property which such letter or packet may contain shall be paid into the government treasury for the benefit of any party who may have a right thereto, and that when 12 months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said postmaster-general, if such letter or packet still continues to be unclaimed, to destroy the same.

XXVIII. And it is hereby enacted, that the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.

His Majesty's Principal Secretaries of State.

President and Secretaries of the Board of Control.

The Chairman, Deputy-Chairman, and Directors of the East India Company. Secretary, Deputy-Secretary, and Assistant-Secretary at the India House.

The Governor-General.

The Governors of Bengal, Madras, and Bombay.

The Governor of Ceylon.

The Lieutenant-Governor of the North Western Province.

The Chief Justices of Bengal, Madras, and Bombay.

The Bishops of Calcutta, Madras, and Bombay.

The Members of the Supreme Council.

The Members of Council of Madras and Bombay.

The Puisne Judges of the Supreme Courts of Bengal, Madras, and Bombay.

The Residents of Prince of Wales' Island, Singapore, and Malacca.

The Commander-in-Chief of His Majesty's Naval Forces.

The Commander-in-Chief of the Army in India.

The Commanders-in-Chief of the Army at Madras and Bombay.

And that the letters and packets sent by any of the persons aforesaid, shall be franked in such manner as may be directed by the Governor-General of India in Council.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor-General of India in Council, by an Order in Council, to grant to any person, or body of persons, the privilege of sending or receiving letters or packets either by letter, post, or banghy, free of postage, on such conditions and under such rules as the said Governor-General in Council may direct.

ACTS of 1837.

XXX. And it is hereby enacted, that if any postmaster-general, or postmaster, shall suspect that any letter or packet lying for delivery at his post-office contains any contraband article, or any article on which duty is owing to government, or that any letter or packet lying for delivery at that post-office contains any writing in contravention of the provisions of sections IX. and X. of this Act, it shall be lawful for such officer to summon the person to whom the letter or packet is directed, to attend at the post-office, by himself or agent, within 48 hours after the arrival of the letter or packet at that post-office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend, by himself or agent, then to open the letter or packet in the absence of that person.

XXXI. And it is hereby enacted, that the government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the post-office for conveyance, and that no person employed by the government in the post-office department shall be responsible for any such loss or damage unless that person had caused such loss or damage maliciously or fraudulently.

XXXII. And it is hereby enacted, that all fines incurred under any of the preceding provisions of this Act, may be levied on conviction before any magistrate or justice of the peace, or before any person exercising the powers of a magistrate; provided always, that no person not a postmaster-general, or postmaster, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act.

XXXIII. And it is hereby enacted, that whoever being in the employ of the government in the post-office department, or being in the employ of any person or persons who may contract with the government, to convey letters or packets by post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or anything contained in any such letter or packet, or shall open any such letter or packet, or any banghy box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labour, for a term not exceeding seven years, and shall also be liable to fine.

XXXIV. And it is hereby enacted, that whoever being in such employ as is described in the last section, and being entrusted to receive money for postage duty, shall fraudulently appropriate the same, shall be punished on conviction before a magistrate with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXV. And it is hereby enacted, that whoever being in such employ as is described in section XXXIII. shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter or cause to disappear any mark which is on any letter or packet, shall be punished on conviction before a magistrate with imprisonment with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXVI. And it is hereby enacted, that whoever being in such employ as is described in section XXXIII. and being entrusted with the preparing or keeping of any document, shall with a fraudulent intention prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished on conviction before a magistrate with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXVII. And it is hereby enacted, that whoever being in such employ as is described in section XXXIII. puts any letter or packet into the wallets of the post-office, intending thereby to defraud the government of the postage duty on such letter or packet, shall be punished on conviction before a magistrate with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act is the tola of 180 grains troy, being the standard weight of the Company's rupee.

XXXIX. And it is hereby enacted, that this Act shall have effect from the 1st day of October 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any post-office by the 1st of October 1837.

e postage.

SCHEDULE

MILES	SINGLE.	DOUBLE.	
	Not exceeding One Tola.	Exceeding One Tola and not exceeding Two Tolas.	
	<i>Annas.</i>	<i>Rupess.</i>	<i>Annas.</i>
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 rupee.	2	0

And upwards; single postage being added for each additional tola.

2.
LAW PAPERS, Accounts, and Vouchers, attested as such, with the full signature of the sender.

MILES	SINGLE.	DOUBLE.	
	Not exceeding Three and a half Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.	
	<i>Annas.</i>	<i>Rupess.</i>	<i>Annas.</i>
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 rupee.	2	0

postage being added for

DISTANCE	Newspapers, Pamphlets, &c. printed in India. Weight.			Imported Newspapers, Pamphlets, &c. Weight.	
	Not exceeding Three and a half Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.	Exceeding Six Tolas and not exceeding Nine Tolas.	Not exceeding Six Tolas.	Exceeding Six Tolas and not exceeding Twelve Tolas.
Not exceeding 20 miles	<i>Annas.</i> 1	<i>Annas.</i> 2	<i>Annas.</i> 3	<i>Annas.</i> 1	<i>Annas.</i> 2
400 ditto	2	4	6	2	4
Above 400 ditto	3	6	9	3	6

Single postage being added for every additional three tolas.

Single postage being added for every additional six tolas.

4.
PARCELS sent by the Public Banghy not exceeding 600 Tolas in weight, nor 15 Inches long by 12 deep and 12 broad, or 2,160 cubic Inches in size.

Distance.	WEIGHT.												
	NOT EXCEEDING TOLAS												
Not exceeding Miles	50.	100.	150.	200.	250.	300.	350.	400.	450.	500.	550.	600.	
	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>	<i>Rs. As.</i>
50	6 6	0 12	1 2	1 8	1 14	2 4	2 10	3 0	3 6	3 12	4 2	4 8	
100	0 9	1 2	1 11	2 4	2 13	3 6	3 15	4 8	5 1	5 10	6 3	6 12	
150	0 12	1 8	2 4	3 0	3 12	4 8	5 4	6 0	6 12	7 8	8 4	9 0	
200	0 15	1 14	2 13	3 12	4 11	5 10	6 9	7 8	8 7	9 6	10 5	11 4	
250	1 2	2 4	3 6	4 8	5 10	6 12	7 14	8 0	9 0	10 2	11 4	12 6	13 8
300	1 5	2 10	3 15	5 4	6 9	7 14	9 3	10 8	11 13	13 2	14 7	15 12	
400	1 8	3 0	4 8	6 0	7 8	9 0	10 8	12 0	13 8	15 0	16 8	18 0	
500	1 11	3 6	5 1	6 12	8 7	10 2	11 13	13 8	15 3	16 14	18 9	20 4	
600	1 14	3 12	5 10	7 8	9 6	11 4	13 2	15 0	16 14	18 12	20 10	22 8	
700	2 1	4 2	6 3	8 4	10 5	12 6	14 7	16 8	18 9	20 10	22 11	24 12	
800	2 4	4 8	6 12	9 0	11 4	13 8	15 12	18 0	20 4	22 8	24 12	27 0	
900	2 7	4 14	7 5	9 12	12 3	14 10	17 1	19 8	21 15	24 6	26 13	29 4	
1,000	2 10	5 4	7 14	10 8	13 2	15 12	18 6	21 0	23 10	26 4	28 14	31 8	
1,200	2 13	5 10	8 7	11 4	14 1	16 14	19 11	22 8	25 5	28 2	30 15	33 12	
1,400	3 0	6 0	9 0	12 0	15 0	18 0	21 0	24 0	27 0	30 0	33 0	36 0	

and upwar

Not exceeding Miles	Not exceeding 20 Tolas.		Exceeding 20 Tolas and not exceeding 40 Tolas.	
	<i>Annas.</i>	<i>Rupess.</i>	<i>Annas.</i>	<i>Annas.</i>
100	2	0	4	
200	3	0	6	
300	4	0	8	
400	5	0	10	
500	6	0	12	
600	7	0	14	
700	8	1	0	
800	9	1	2	
900	10	1	4	
1,000	11	1	6	
1,100	12	1	8	
1,200	13	1	10	
1,300	14	1	12	
1,400	15	1	14	
upwards.	1 rupee.	2	0	

SHIP POSTAGE, to be Levied in addition to Land Postage, on Letters received or sent by Sea.			
LETTERS		Newspapers, Pamphlets, and other printed Papers, packed in short covers, open at each end.	Parcels not exceeding 300 Tolas Weight.
Outward.	Inward.		
Not exceeding Three Tolas.	Not exceeding Three Tolas.	Not exceeding Six Tolas Weight.	Not exceeding 100 Tolas Weight.
<i>Annas.</i> 2	<i>Annas.</i> 3	<i>Annas.</i> 1	<i>Annas.</i> 2

An anna being added for every additional tola.

An anna being added for every additional six tolas weight.

Two annas being added for every additional 100 tolas up to 300 tolas, beyond which no Parcel will be received

ACTS of 1837.

ACT No. XVIII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th August 1837.

IT is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any magistrate or joint magistrate within the territories of the East India Company for trial before any criminal court competent to try such person on such charge.

ACT No. XIX. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th August 1837.

IT is hereby enacted, that no person shall by reason of any conviction for any offence whatever be incompetent to be a witness in any stage of any cause, civil or criminal, before any court in the territories of the East India Company.

ACT No. XX. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th September 1837.

IT is hereby enacted, that from the 1st day of October 1837, all immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last will of any such person, be taken to be, and to have been of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last will of any such person, if such transmission took place before the said 1st day of October, and if such transmission were according to the rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable property derived from a deceased person, shall have been, before the said 1st day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the rules which regulate the transmission of freehold property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received from such conveyance.

ACT No. XXI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 25th September 1837.

1. IT is hereby enacted, that from the 1st day of October 1837, it shall be lawful for the Governor in Council of any presidency of which there is a Cou

cil, and for the Governor of any presidency of which there is no Council, to dispense with any oath which by any Regulation of that presidency or by any Act of the Governor-General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant-Governor of the north-west provinces to dispense with any oath which by any Regulation or any Act of the Governor-General of India in Council now in force within those provinces is now required to be taken.

ACTS of 1837.

II. Provided always, that the dispensing power given by this Act shall not extend to any oath now required by law to be taken in any stage of any judicial proceeding.

III. And it is hereby enacted, that whenever any oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take such oath shall, in the presence of the functionary by whom, but for such dispensation, such oath would have been administered, make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that whoever shall, in any declaration made and subscribed according to the provisions of this Act, knowingly state any untruth, such that if that untruth had been stated on oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

ACT No. XXII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 25th September 1837.

I. IT is hereby enacted, that from the 1st day of November 1837, neither the criminal judge nor the magistrate of the zillah of Chingleput, shall have any jurisdiction in respect of offences committed within the collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said criminal judge, and also the whole jurisdiction now belonging to the said magistrate in respect of such offences, shall, from the 1st day of November 1837, belong to the superintendent of police of the town of Madras, and to every one of the deputies of the said superintendent, and shall be exercised by the said superintendent and by every one of the said deputies, according to the rules by which the said criminal judge and the said magistrate are now bound to exercise the same.

III. Provided always, that in the exercise of this jurisdiction the said superintendent of police and the said deputies shall not be subject to the orders of the court of circuit for the centre division of the Madras territories, nor be bound by any rule in the Madras code of Regulations to furnish any calendar, list, or report to that court, but shall be immediately subject to the orders of the court of Foujdarry Adawlut, and shall furnish to the court of Foujdarry Adawlut such lists or calendars of charges preferred before them, or of persons sentenced to punishment by them, as the said court of Foujdarry Adawlut may direct.

IV. Provided also, that it shall be lawful for the said superintendent and every one of the said deputies, in cases in which the said criminal judge or the said magistrate would now be empowered to commit any person to the gaol of Chingleput, to commit such person to any gaol within the collectorate of Madras.

V. Provided also, that the provisions of clause 5th of section VIII. of Regulation XV. of 1803 of the Madras code, shall be applicable to all convicts on whom sentence of imprisonment shall have been passed by the said superintendent of police, or by any of the said deputies, in the exercise of the jurisdiction transferred to them by this Act.

ACTS of 1837.

ACT No. XXIII. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 2d October 1837.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to invest principal sudder ameen at stations where gaol deliveries, are held with the same powers of commitment in cases of perjury as are exercised by the criminal judges under section III. Regulation VIII. of 1829 of the Madras code.

ACT No. XXIV. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 2d October 1837.

I. IT is hereby enacted, that it shall be lawful for the Governor of the presidency of Fort William, in Bengal, to appoint a superintendent of police for the territories under his government, or for any part thereof, and for the Lieutenant-governor of the N. W. provinces to appoint a superintendent of police for those provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a superintendent of police shall be appointed under this Act, such parts of section VII. Regulation I. 1829 of the Bengal code, as vest the commissioner of revenue and circuit with the duties and powers belonging to the superintendent of police, shall cease to have effect in the territories which may be comprised within the jurisdiction of such superintendent; and such superintendent shall be guided in the execution of the duties of his office by the rules contained in Regulation X. 1808, and other regulations of the Bengal code, subsequently enacted, in regard to the said office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a superintendent of police as aforesaid shall be appointed for any jurisdiction, section III. Regulation IX. 1831 of the Bengal code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the superintendent of police appointed under this Act, shall exercise all the powers that may be now legally exercised by the commissioners of circuit, in virtue of the authority vested in them by section III. Regulation I. 1829 of the Bengal code, in regard to the appointment, suspension, and removal of any ministerial or police officer, subordinate to any zillah or city magistrate, or joint magistrate.

V. And it is hereby enacted, that whenever the whole administration of criminal justice shall, under the provisions of Act No. VII. of 1835, be vested in any session judge, such session judge shall receive and try any appeal made to him from any order of any zillah or city magistrate, or joint magistrate, whether such order may have been passed in a criminal trial or in any judicial proceeding whatever; provided, that it shall not be competent to such session judge to interfere with any order passed by a zillah or city magistrate, or joint magistrate, regarding the appointment, suspension, or removal of any ministerial or police officer, the revision of which has, by section IV. of this Act been entrusted to the superintendent of police.

VI. And it is hereby enacted, that the decision of a session judge in appeal from the order of a zillah or city magistrate, or joint magistrate, in any judicial proceeding other than a criminal trial, and also the orders of the superintendents of police in regard to the appointment, suspension, or removal of a ministerial or police officer of a zillah or city magistrate, or joint magistrate, passed under the provisions of sections IV. and V. of this Act respectively, shall not be open to revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of criminal justice shall, under the provisions of Act No. VII. 1835, and section V. of this Act, be vested in any session judge, such session judge shall possess the same

same control and superintendence over every gaol under the management of any zillah or city magistrate, or joint magistrate, subject to his jurisdiction, and over the officers of every such gaol as may have been exercised by the commissioners of circuit under the provisions of section III. Regulation I. 1829, or of any Regulation, Act, or circular order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation. ACTS of 1837.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st of January 1838, except so much thereof as authorizes the appointment of superintendents of police, which shall come into operation from the day of the passing of this Act.

ACT No. XXV. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 2d October 1837.

I. IT is hereby enacted, in modification of section XVIII. Regulation V. 1831 of the Bengal code, that from the 1st day of November 1837, no zillah or city judge within the territories subject to the presidency of Fort William in Bengal, shall be precluded by reason of the amount or value of the property for the recovery of which a suit is instituted, from referring that suit to any principal sudder ameen.

II. And it is hereby enacted, that so much of clause 2, section XXXI. Regulation VII. 1822, and section XIX. Regulation VIII. 1831 of the Bengal code, as provides that suits of the description therein referred to shall not be cognizable by, or referrible to any sudder ameen or moonsiff, be repealed.

III. And it is hereby enacted, that it shall be competent to every zillah or city judge within the said territories to refer for trial and decision any original suit preferred under the provisions of clause 1, section XXX. Regulation II. 1819 of the Bengal code, to any principal sudder ameen, anything in the existing Regulations to the contrary notwithstanding.

IV. And it is hereby enacted, that in all suits exceeding the amount or value specified in clause 1, section XVIII. Regulation V. 1831, which shall, under the authority of section 1, of this Act, be referred to a principal sudder ameen, the appeal from the decision of such principal sudder ameen shall be direct to the court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an appeal from the decision of a zillah judge to the said court of Sudder Dewanny Adawlut, and any application for a review of judgment on such decision shall be made by the said principal sudder ameen directly to the said court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for a review of a decision of a zillah judge.

V. And it is hereby enacted, that whenever a ~~zillah or city judge~~ within the said territories, in the exercise of the discretion vested in him by ~~section VII. Regulation V. 1831~~ of the Bengal code, shall refer for trial to a sudder ameen or principal sudder ameen, a suit within the competency of a moonsiff to decide, such suit shall be subject to the same rules in regard to stamp duties, and to the same rules in regard to appeal as the said suit would have been subjected to had it been received and tried by the moonsiff in the first instance.

VI. Provided always, that when any such suit shall have been decided by a principal sudder ameen, the appeal from such decision shall lie to the zillah or city judge, and shall be tried by him only, and that the decision of the zillah or city judge on such appeal, shall be final, anything in the existing regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a zillah or city judge within the said territories shall refer for trial to a principal sudder ameen a suit within the competency of a sudder ameen to decide, such suit shall be subject to the same rules in regard to stamp duties, and to the same rules in regard to appeal, as the said suit would have been subjected to, had it been referred to and tried by the sudder ameen in the first instance.

ACTS of 1837.

VIII. And it is hereby enacted, that it shall be competent to either of the courts of Sudder Dewanny Adawlut within the territories, subject to the presidency of Fort William in Bengal, by an order under the signature of the register of such court, to authorize the judge of any zillah or city court, subordinate to such court of Sudder Dewanny Adawlut, to transfer to a principal sudder ameen any civil proceedings, whether miscellaneous or summary, which may be depending at the time when such order is issued or be thereafter instituted in the court of the said zillah or city judge, and all proceedings so transferred shall be disposed of by the said principal sudder ameen, according to the rules prescribed in the Regulations for the guidance of the zillah and city judges in the like cases; provided, however, that an appeal from the order of the principal sudder ameen in such cases shall lie in the first instance to the zillah or city judge, and specially to the Sudder Dewanny Adawlut.

IX. And it is hereby enacted, that clause 2, section II. Regulation VII. 1832, be repealed, and that in all cases in which an appeal from the orders or decision of a principal sudder ameen to a zillah or city judge is authorized by law, such appeal shall not be received, unless the same be preferred within the period of 30 days from the date of the order or decision of the said principal sudder ameen, to be calculated according to the rules prescribed in clause 10, section VIII. Regulation XXVI. 1814, or unless it shall be proved that the appellant was prevented by circumstances beyond his control from presenting his appeal within the above-mentioned period.

X. And it is hereby enacted, that clause 1, section XXV. Regulation V. 1831 of the Bengal code, be repealed.

XI. And it is hereby enacted, that the rule contained in the 2d clause of section XXV. Regulation V. 1831, be extended to the ministerial officers of the moonsiffs' courts.

XII. And it is hereby enacted, that all ministerial officers of the courts of moonsiffs, sudder ameens, and principal sudder ameens, shall be nominated and appointed by those courts respectively, subject to the general control of the zillah and city judges and court of Sudder Dewanny Adawlut, within whose jurisdiction the said courts may be situated.

ACT No. XXVI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 16th October 1837.

IT is hereby enacted, that from the day on which it shall be notified by an order of the Governor-General of India in Council, published in the official Gazette, that the said Governor-General has quitted his Council for the purpose of proceeding to the north-western provinces, till the time at which the said Governor-General shall next, after the said notification, rejoin his Council, the said Governor-General shall have all the powers of Governor-General in Council, except the power of making laws or regulations.

ACT No. XXVII. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 8th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, there shall be paid to the government on every maund of 3,200 tolas of salt that may be delivered from any salt work in the territories subject to the government of the presidency of Bombay, a duty of eight annas, except only in cases in which the Governor in Council of Bombay may grant a remission of such duty.

II. And it is hereby enacted, that from the said day salt shall not be manufactured at any place within the said territories, unless the person conducting the manufacture

manufacture shall have given notice in writing to the collector of the district in which the place of manufacture may be situated, of his intention to manufacture salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known; and if the person giving the notice manufactures salt at more places than one, of the distance at which those places are from each other.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding section of this Act, the collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said collector shall direct at every such place of manufacture.

IV. And it is hereby enacted, that every officer stationed at any salt works in the manner described in the last preceding section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of salt manufactured and stored at such works, and to put on any portion of such salt which may be stored such a mark as may be prescribed by the collector of the district, and to prevent the removal of such salt until the duty thereon has been paid.

V. And it is hereby enacted, that whenever the duty due under this Act on any portion of salt has been paid to the collector of the district within which such salt was produced, such collector shall deliver to the person who has paid such duty a receipt and order in the form marked (A.) annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of salt which the person who has paid that duty is entitled to remove, and the place whence and the person to whom that quantity of salt is to be delivered.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding section of this Act to the officer stationed at the salt works whence the salt to which such receipt and order relates is to be removed, that officer shall fill up the blanks which are marked therein, as intended to be filled up by that officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be torn off, and shall deliver the remaining part of the receipt and order to the person who removes the salt, and the part of the receipt and order so delivered to the person so removing the salt shall be a pass authorizing the removing of that salt.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish chokies as near as conveniently may be to works where salt is manufactured, and to authorize any of the officers stationed at such chokies to stop and detain any salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such chokee, and which may be suspected to contain salt, and to take and cancel every pass under which salt shall be suffered to pass.

VIII. And it is hereby enacted, that it shall be lawful for the collector of a district to direct that any salt works within that district, of which notice shall not have been given in the manner described in section II. of this Act, shall be destroyed.

IX. And it is hereby enacted, that it shall be lawful for the collector of a district to direct the confiscation of any salt which may have been removed from any works within that district otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

X. And it is hereby enacted, that whoever shall manufacture salt at any work in which notice has not been given to the collector of the district in conformity with the provisions of this Act, or shall remove or aid the removing of any salt otherwise than in conformity to the provisions of this Act, or shall intentionally counterfeit any mark which a collector is entitled to be put on salt in store, shall be punished with imprisonment not exceeding three months, or fine not exceeding 500 rupees, or both.

XI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished

ACTS of 1837. punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 rupees, or both.

XII. And it is hereby enacted, that whoever being an officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIII. And it is hereby enacted, that whoever being an officer, appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendence of the salt revenue of any district from the collector of that district to any other functionary, and that whenever such a transfer shall take place, all provisions of this Act which apply to such a collector shall be applicable to the functionary to whom the superintendence of the salt revenue has been so transferred.

PERMIT No. 1, of *Zillah Surat.*

(This part to be torn off and retained by the Officer.)

Salt delivered this day and this order cancelled, 1838.
A. B., Salt-officer.

CERTIFIED that the sum of rupees 250. on account of government duty on 500 maunds of salt, has been paid at the office of _____ of _____ in the year _____. The salt is to be delivered by _____ at the _____ works in Pergunna _____ on or before the 20 instant.

The government officer at those works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said 20th day of December in the year 1838.

Maunds 500.

A. B., Collector.

10 December 1838.

(Tear off here.)

Passed this 20th December 1838 from salt works belonging to _____, maunds of salt 500, to be carried away on Banjaree bullocks (here enter number). This pass will protect the dispatch to Doodea until sunset of the 21st December.

To be torn off and delivered to the Banjaree.

ACT No. XXVIII. OF 1837.

Passed by the Honourable the President of the Council of India in Council on the 20th November 1837.

IT is hereby enacted, that so much of section VII. Regulation X. of 1829 of the Bengal code, as directs that the officer to whom the management of the stamp duties may be transferred shall be a covenanted officer, be repealed.

ACT No. XXIX. OF 1837.

ACTS of 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 1st day of December 1837, it shall be lawful for the Governor-General of India in Council, by an order in Council, to dispense, either generally, or within such local limits as may to him seem meet, with any provision of any regulation of the Bengal code which enjoins the use of the Persian language in any judicial proceeding, or in any proceeding relating to the revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor-General of India in Council, by an Order in Council, to delegate all or any of the powers given to him by this Act, to any subordinate authority, under such restrictions as may to the said Governor-General of India in Council seem meet.

ACT No. XXX. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

IT is hereby enacted, that from the 15th day of December 1837, all aumeens of police who have been or may be appointed according to section XL. Regulation XI. of 1816 of the Madras code, to act with the police powers vested in tuhsildars by that Regulation, shall possess all police powers and criminal judicial powers which are vested in tuhsildars within the territories subject to the presidency of Fort St. George, by any law or regulation whatever, and shall be subject to all provisions to which, by any law or regulation, tuhsildars are subject in respect of any of those powers.

ACT No. XXXI. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that so much of Act No. XVII. of 1835, as directs that certain coins issued from the mints within the territories of the East India Company, shall bear on the obverse the head of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, shall be suspended, till the Governor-General of India in Council shall, by an Order in Council, declare those parts of the said Act to be again in force.

II. And it is hereby enacted, that till the said Governor-General in Council shall make such an Order in Council as is aforesaid, the said coins shall bear on their obverse the head of his late Majesty, William the Fourth.

ACT No. XXXII. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, Act No. V. of 1837 be repealed.

II. And it is hereby enacted, that from the said day no native of India, except as hereinafter excepted, who makes a contract of service to be performed without the territories of the East India Company, shall embark, in pursuance of such contract, on board of any vessel, at any place within the said territories, without

ACTS of 1837.

an order from the government of the presidency to which such place may belong, or a permit from an officer authorized to act in that behalf by the Governor in Council of the presidency, if there be a Council of that presidency, but if there be no Council, then by the Governor thereof.

III. And it is hereby enacted, that before any such permit shall be granted by any such officer, such native, and also the person with whom such native has contracted, or an authorized agent of that person, shall personally appear before that officer, and shall exhibit a memorandum of the contract, written both in English and in the mother tongue of such native, which memorandum shall specify the nature, the term, and the wages of the service, as settled by the contract.

IV. And it is hereby enacted, that no such permit shall be granted, unless the contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years; and unless such contract shall contain a stipulation that such native shall be conveyed back to the port at which he is embarked, free of charge to himself, at the expiration of his service.

V. And it is hereby enacted, that it shall be lawful for the said officer to examine the said native, and the person with whom that native has contracted, or the agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said native.

VI. And it is hereby enacted; that if the said officer shall be satisfied that the said native fully understands the terms of the contract, and is desirous to fulfil the same, the said officer shall make and sign on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him the said officer; and such note shall be a permit, authorizing the said native to embark; and the memorandum of contract, with the permit so written thereupon, shall be delivered to the native, to be kept by him during his service.

VII. And it is hereby enacted, that if application is made for permits, authorizing more than 20 natives to embark on board of any one vessel, it shall be lawful for the officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food and medical attendance provided for such natives on board of that vessel, and to inspect that vessel, or by an order under his hand, to depute any other person to inspect the same.

VIII. And it is hereby enacted, that the officer aforesaid shall not grant permits authorizing a greater number of natives than 20 to embark on board of any one vessel, unless he is satisfied that the accommodations, food and medical attendance, provided for such natives on board of that vessel, will be sufficient for their health.

IX. And it is hereby enacted, that the officer aforesaid shall keep a register of all natives to whom he shall grant such permits as aforesaid, which register shall specify their names, the periods of the contracts, the dates of the permits, the places of their destination, and the vessel on board of which they are permitted to embark; and also the names of the parties with whom the contracts are made, and of the agents of such parties as appear by agents, and of the masters of the vessels on which such natives are permitted to embark.

X. And it is hereby enacted, that for every such permit it shall be lawful for the officer aforesaid to require that a fee, not exceeding one rupee, shall be paid by the person with whom the native to whom the permit relates has contracted, or by the authorized agent of that person.

XI. And it is hereby enacted, that whoever being in charge of any vessel, at any place within the territories of the East India Company, shall knowingly suffer any such natives as is aforesaid to embark on board of that vessel in pursuance of any such contract as is aforesaid, without either an order from the government of the presidency to which such place may belong, or such a permit as is aforesaid being produced to him by the native so embarking, shall, on conviction thereof before a magistrate, be punished with a fine not exceeding 200 rupees for every native so suffered to embark, and, in default of payment of such

such fine, with imprisonment for a term not exceeding 30 days for every native so suffered to embark. ACTS of 1837.

XII. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman, who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

ACT No. XXXIII. OF 1837.

Passed by the Honourable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, the provisions of clauses 2 & 3, section IV. Regulation IV. of 1821 of the Madras code, shall apply to all petty offences cognizable by heads of district police, as well as to petty thefts.

II. And it is hereby enacted, that whenever any head of district police shall, under those provisions, report any case whatever to a magistrate for final orders, such head of district police shall state precisely in his report the description and extent of the punishment which, in his opinion, is proper to be inflicted in that case; and the said magistrate, if he give orders at variance in any respect with that opinion, shall record his reasons for varying from it.

ACT No. XXXIV. OF 1837.

Passed by the Honourable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, section VI. Regulation VIII. of 1827 of the Madras code shall be repealed; and that it shall be lawful for magistrates, under the government of the presidency of Fort St. George, to send persons for trial, committal, or confinement, to principal sudder aumeens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any European or American for such purpose to a principal sudder aumeen, but that magistrates shall send Europeans and Americans for trial, committal, or confinement, to the criminal judges, as heretofore.

ACT No. XXXV. OF 1837.

Passed by the Honourable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, all provisions of any Regulation of the Madras code, which direct that any translations of decrees passed by the court of Sudder Adawlut, or by the provincial courts, or by the courts of zillah judges, or by the auxiliary courts, under the presidency of Fort St. George, shall be attached or appended to those decrees, or shall be furnished to parties in the suits wherein those decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day an abstract of every such decree, containing a succinct statement of the grounds of judgment, shall, on the day of the promulgation of the decree, be entered in the diary of the court passing the decree; and every party in the suit wherein the decree is passed shall be entitled to be furnished with a copy of that abstract, on application for a copy thereof, or with a translation of that abstract in a current language of the district or country, on application for such a translation.

ACTS of 1837.

III. And it is hereby enacted, that from the said day all rules now in force within the presidency of Fort St. George, for determining from what days the limited periods for appealing from decrees of the Sudder Adawlut, or of the provincial courts, or of the zillah judges, or of the zillah assistant judges, or of the zillah registers, shall be computed, shall be repealed; and that such limited periods for appealing from any such decree shall be computed from the day on which the decree is sealed and signed, agreeably to section XXVII. Regulation III. of 1802 of the Madras code: provided always, that if, within such limited period as aforesaid, an application be made by a plaintiff or defendant for a copy of the decree, or for a copy or a translation of the abstract mentioned in the clause last preceding, or for both a copy of the decree and a copy or a translation of the abstract; and if the document or documents so applied for be not delivered or tendered on the same day to the party applying, then, for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of that party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire shall be certified at the end of every document furnished to any party according to the last preceding clause.

V. And it is hereby enacted, that on the day on which any such decree is sealed and signed, the day on which the original limited period for appealing will expire, shall be proclaimed in open court.

ACT No. XXXVI. of 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, the jurisdiction vested in collectors, subordinate collectors, and assistant collectors, by Regulations IX. of 1822 and VII. of 1828 of the Madras code, in cases of embezzlement of public money, and of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property, or the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property, by any person of any of the classes described in the 3d clause of section II. of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day all provisions of either of the said Regulations IX. of 1822 and VII. of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of any public property whatever by persons of any of the classes described in the 3d clause of section II. of the said Regulation IX. of 1822; and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property whatever, by persons of any of the said classes.

ACT No. XXXVII. of 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 1st day of January 1838 so much of section XXVI. Regulation XIII. 1827 of the Bombay code, as requires that the special courts for the trial of persons charged with offences of a political nature shall forward their proceedings to the Governor in Council, be repealed; and those courts shall, from the said 1st day of January 1838, forward their proceedings to the Foujdarry Adawlut.

II. And

II. And it is hereby enacted, that the Foujdarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

ACTS of 1837.

ACT No. XXXVIII. OF 1837.

Passed by the Honourable the President of the Council of India in Council,
on the 20th November 1837.

IT is hereby enacted, in modification of the provision contained in section IX. Regulation XIX. of 1810 of the Bengal code, that no person shall, by reason of his not being in the civil, military, or medical branch of the service, be incapable of being appointed a local agent under that Regulation.

ACT No. I. OF 1838.

ACTS of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 3d January 1838.

I. IT is hereby enacted, that from the 1st February 1838 all Regulations of the Bombay code passed before the year 1827, and now in force, with the exception of sections I. II. and III. Regulation VI. 1799, and of clause 2, section VII. Regulation IX. 1800, and of sections XIV. XVII. XX. XXI. and XXV. Regulation I. of 1805, and of the whole of Regulations II. 1810, and VI. 1814, shall be repealed.

II. And it is hereby enacted, that chapters I. II. IV. VI. VIII. and IX. of Regulation XX. 1827, of the said Code, together with the Appendices A. B. C. E. H. I. J. K. of that Regulation, also Regulation II. 1831, Regulation XIII. 1831, Regulation I. 1832, Regulation IV. 1833, and Regulation IV. 1834, of the said code, and all such parts of any Regulations of the said code as prescribe the levy of transit or inland customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay presidency, and likewise the provisions of any kind contained in those or in any other Regulations, for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay presidency, or the drawback payable on the same, shall be repealed: and it is further enacted, that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay code.

III. Provided always, that nothing contained in the two preceding sections of this Act shall be construed to prevent the levy of any town duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of lighthouses.

IV. And it is hereby enacted, that duties of customs shall be levied on goods imported by sea into any place in the territories subordinate to the government of the presidency of Bombay, after the said 1st February next, according to the rates specified in Schedule (A.) annexed to this Act, and with the exceptions specified therein, and the said schedule with the notes attached thereto shall be taken to be a part of this Act.

V. And it is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any place of the Bombay presidency after the said 1st February next, according to the rates specified in Schedule (B.) annexed to this Act, with the exceptions therein specified, and the said schedule with the notes attached thereto shall also be taken to be a part of this Act.

ACTS of 1838.

VI. Provided, however, that the ships of any European nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, anything in the schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that duties of customs shall be levied on goods passing by land into or out of foreign European settlements situated on the line of coast within the limits of the presidency of Bombay, at the rates prescribed in the schedules of this Act for goods imported or exported on foreign bottoms at any British port in that presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare by notice to be published in the Gazette of that presidency, that the territory of any native chief, not subject to the jurisdiction of the courts and civil authorities of that presidency, shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of customs as above provided on goods exported by land to, or imported by land from such foreign territories, customs' chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokee shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any chokee officer, shall entitle goods to cross the frontier into or out of the East India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice in the official Gazette of the presidency of Bombay of the appointment of every officer appointed to receive customs duties on goods crossing the land frontier of the said foreign territories, and the officers so appointed shall, on receipt of money tendered as customs duty, be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any chokee that shall bear date more than 30 days before the date when the goods arrive at the chokee: provided, however, that any person who has taken out a certificate from any authorized receiver of customs duties shall at any time within the said period of 30 days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the official Gazette of the presidency of Bombay, by what routes goods shall be allowed to pass into or out of any such foreign territory, as is described in sections VII. and VIII. of this Act; and after such

such notice shall be given, goods which may be brought to any chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the collector of customs, unless the person in charge thereof shall be able to satisfy the said collector that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass across any frontier guarded by chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any chokee officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding 500 rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that if any chokee officer shall needlessly and vexatiously injure goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of customs, or before any magistrate, or joint magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding 500 rupees, commutable, if not paid, to imprisonment, for a further period of six months.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the presidency of Bombay from any foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the presidency of Bombay, under section VIII. of this Regulation, to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule (A.) on imports on foreign bottoms.

XVIII. And it is hereby enacted, that no goods whatsoever entered in either of the schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the presidency of Bombay; provided always, that it shall and may be lawful for the collector of customs, or other officer in charge of a custom-house, to pass free of duty any baggage in actual use at his discretion; and if any person shall apply to have goods passed as such baggage, the collector, acting under the orders of the government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

XIX. Provided always, that when goods are imported at any port of the Bombay presidency from any other port in that presidency, under certificate that the export duty specified in Schedule (B.) has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule (A.) has been duly paid, the said goods shall be admitted to free entry.

XX. Provided also, that when duties of customs shall have been paid on any goods at any port in any part of the territories of the East India Company not subject to the presidency of Bombay, and when such goods shall subsequently be exported at any port of the presidency of Bombay, credit shall be given at such last-mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay, from time to time, by notice in the official Gazette of that presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles, for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the schedules annexed to this Act, are brought to any custom-house in the presidency of Bombay, for the purpose of being

ACTS of 1838.

being passed for importation or exportation, the duty leviable on such goods shall be levied *ad valorem*, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* goods shall be declared by the owner, consignee or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the custom-house; and the value so declared shall include the packages or materials in which the goods are contained, and the application shall truly set forth the name of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the officer of customs appointed to appraise goods at the custom-house, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of customs, who shall have power to take the goods or any part thereof as purchased for the government at the price so declared; and whenever the collector of customs shall so take goods for the government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within 15 days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of customs duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare, by public notice in the official Gazette of that presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the presidency of Bombay, the master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act, and marked (C.), to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the official Gazette of the presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound vessel, except such country craft as are described in sections LI. and LII. of this Act, to pass until the master shall have forwarded in such manner as may be ordered by the said Governor in Council, such a manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine of 1,000 rupees, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or to be charged with such increased duties as may be determined by the collector of customs under the orders of government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a custom-house established, shall lie at anchor therein for the space of 24 hours, the master whereof shall refuse to deliver the said manifest in the

manner

manner above prescribed, he shall for such refusal be liable to fine not exceeding 1,000 rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the collector of customs, shall have been received by the said collector, nor until order shall have been given by the said collector for the discharge of the cargo; and that the said collector may further refuse to give such order if he shall see fit until any port clearances, cocketts, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been duly made in the custom-house of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by Order of the Governor in Council of the presidency of Bombay, and if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom-house, or at such other place as the collector of customs shall have prescribed, the master shall be liable to a penalty not exceeding 500 rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained. Provided however, that nothing herein contained shall be construed to prevent the collector of customs from permitting at his discretion the master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall in every port of the Bombay presidency be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the collector of customs for the port; and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to licence and register the cargo boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of customs at the port; and any goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any officer of customs, and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in Council of the presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the collector of customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the collector.

XXXV. And

ACTS of 1838.

XXXV. And it is hereby enacted, that any master of such vessel at such port who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water, if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding the sum of 100 rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search addressed to any officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of customs, shall be liable to confiscation, and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable, upon conviction for every such offence, to a fine of 1,000 rupees.

XXXVII. And it is hereby enacted; that every master of a vessel who shall remove from such vessel; or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof, between sunset and sunrise, or on any day when the custom-house is closed for business, without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding 500 rupees.

XXXVIII. And it is hereby enacted, that no cargo-boat laden with goods intended for exportation by sea, shall make fast to, or lie alongside of, any vessel on board of which there shall be a customs officer stationed, unless there shall be on board the boat, or have been received by the said customs officer, a custom-house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside, or be made fast to a vessel, if such goods be not covered by a custom-house pass accompanying them, or previously received by the customs officer on board the said vessel, shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a customs officer on board, for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch, a boat note specifying the number of packages, and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the customs officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note, they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of customs, the goods shall be liable to confiscation.

XL. And it is hereby enacted, that when goods shall be brought to be passed through the custom-house, either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person after goods have been landed, and before they have been passed through the custom-house, removes or attempts to remove them, with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the collector of customs that the removal was not sanctioned by the owner, or by any person having an interest in or power over the goods.

XLII. And

XLII. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk, shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any salt that has paid the excise duty fixed by Act No. XXVII. of 1837, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate, the quantity of salt specified therein shall be landed at any other port of the said presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty, either of excise or of customs.

XLIV. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel to superintend the delivery of cargo, 20 days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen; and 30 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the customs officer first went on board: and if the whole cargo be not discharged by the expiration of the abovementioned periods, the master shall be charged with the wages of such officer, and other expenses, for any further period that such officer may be detained on board; and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

XLV. And it is hereby enacted, that when there shall be no customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of customs to fix a period, not being less than 20 days, for the discharge thereof, and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage, and other demands, that may be due thereon, giving his receipt to the master for the same: provided always, that in all cases it shall be lawful for the collector or other officer in charge of the custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore, and to be deposited in the government warehouses, for the security of the duties and charges thereon, although 20 days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed, and cleared from the custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same, on account of the duties and other charges due thereon, and the balance remaining, after deducting the said duties and charges, shall be held in deposit, and paid to the owner on application.

XLVI. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel discharging cargo, a further period of 15 days, Sundays and holidays excluded, beyond the 20 days above specified, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall, in such case, not be charged with the wages and expenses of the customs officer on board until after the expiration of such additional period; and if a vessel having discharged its import cargo shall be laid up, the customs officer on board shall certify that no goods remain on board, except necessary stores and articles for use, and when a vessel so laid up shall be entered at the custom-house for receipt of export cargo, a customs officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board, except as above excepted, 20 days, exclusive of Sundays and holidays, as above, shall be allowed from the date of such certificate, for the lading outwards of a vessel not exceeding 600 tons, and 30 days for vessels exceeding that burthen; after which periods respectively, the master shall be charged with the wages and expenses of the customs officer on board, to the date of the vessel's sailing from the port.

XLVII. And

ACTS of 1838.

XLVII. And it is hereby enacted, that when, upon application from the master of any vessel, the customs officer shall be removed from on board thereof, under the provisions to that effect contained in the last preceding section of this Act, if the master of such vessel shall, before a customs officer have again been placed in such vessel, put on board of such vessel, or cause, or suffer to be put on board of such vessel, any goods whatever, such master shall be punished with a fine not exceeding 1,000 rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the collector of customs.

XLVIII. And it is hereby enacted, that upon any goods liable to duty that may be passed through the custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied; and if the goods be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon; or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port, shall put back from stress of weather, or it shall for any damage, or from other cause, be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a customs officer shall be sent to watch the vessel, and take charge of the cargo during such re-landing or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of the customs until the time of re-export, and all charges attending such custody shall be borne by the exporter; provided, however, that in all cases of return to port after port clearance, on account of damage, or for stress of weather, it shall be lawful for the owner, or for the master, to enter the vessel and land the cargo, under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed; and if goods, on account of which drawback has been paid, be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the collector of customs.

L. And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather, or for damage, and the goods shall have been re-landed under the rule contained in the last preceding section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods therein, and that whoever, being in charge of any such craft, shall knowingly contravene any such rule, shall be liable to a fine not exceeding 100 rupees for each offence.

LII. And it is hereby enacted, that pattamars, dhonies, botellos, and other small craft from the Maldiva or Laccadive Islands, or from the native ports of Kattywar, Cutch, and Scinde, shall be treated in the ports of the Bombay presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring, and mode of landing and shipping goods, as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay presidency.

LIII. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft as are described in the last preceding section of this Act.

LIV. And

LIV. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty; and if any goods brought to any port in any vessel, be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom-house for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any goods except under special order in writing from the collector of customs of the port, and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port, according to the burthen, on all country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified:—

						Fee: Rupees.	
Above	{ 10 candies (equal to 100 maunds)}	not exceeding	{ 20 candies (200 Indian maunds)}			1	0
-	20	-	40	-	-	1	8
-	40	-	60	-	-	2	0
-	60	-	80	-	-	2	8
-	80	-	100	-	-	3	0
-	100	-	150	-	-	3	8
-	150	-	200	-	-	4	0
-	200	-	250	-	-	4	8
-	250	-	300	-	-	5	0
-	300	-	350	-	-	5	8
-	350	-	400 and upwards	-	-	6	0

LVII. And it is hereby enacted, that in all cases in which, under this Act, goods are liable to confiscation, the collector of customs of the place where those goods may be shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Governor in Council of the presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any collector of customs, or other officer who may be authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the officer of customs in any court of justice on account of such seizure: and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion, not exceeding one-half, shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all officers of customs shall, as heretofore, be amenable to the civil courts of the presidency or island of Bombay by action for damages on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts: provided, however, that no suit shall lie against a collector of customs or other officer for any judicial award in a matter of customs passed under the preceding section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished

ACTS of 1838. with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 rupees, or both.

LXII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer any of the powers given to a collector of customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the custom-house.

SCHEDULE (A.)

RATES OF DUTY to be Charged on Goods Imported by Sea into any Port of the Presidency of Bombay.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin - - - - -	free - - -	free.
2	Precious stones and pearls - - - - -	ditto - - -	ditto.
3	Grain and pulse - - - - -	ditto - - -	ditto.
4	Horses and other living animals - - - - -	ditto - - -	ditto.
5	Ice - - - - -	ditto - - -	ditto.
6	Coal, coke, bricks, chalk, stones (marble and wrought stones excepted.)	ditto - - -	ditto.
7	Books printed in the United Kingdom, or in any British possession.	ditto - - -	3 per cent.
8	Foreign books - - - - -	3 per cent. -	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom, or of any British possession.	3 per cent. -	6 per cent.
10	Ditto, ditto, the produce or manufacture of any other place or country.	6 per cent. -	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession.	3 per cent. -	6 per cent.
12	Metals, ditto, ditto, excepting tin, the produce or manufacture of any other place.	6 per cent. -	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British possession.	10 per cent. -	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British possession.	2 per cent. -	4 per cent.
15	Ditto, the produce of any other place or country -	4 per cent. -	8 per cent.
16	Cotton-wool, not covered by certificate of the payment of export duty at any other port of Bombay.	- - 9 as. per md. of 80 tolas to the seer.	- - 1 re. 2 as. per md. of 80 tolas to the seer.
17	Cotton and silk piece goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession.	3½ per cent. -	7 per cent.
18	Ditto, the produce of any other place - - -	7 per cent. -	14 per cent.
19	Opium, covered by a pass - - - - -	free - - -	free.
20	Ditto, not covered by a pass - - - - -	- - 24 rs. per seer of 80 tolas.	- - 24 rs. per seer of 80 tolas.
21	Salt, not covered by a pass - - - - -	- - 8 as. per md. of 80 tolas per seer.	- - 8 as. per md. of 80 tolas per seer.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
22	Alum - - - - -	10 per cent.	20 per cent.
23	Camphor - - - - -	10 per cent.	20 per cent.
24	Cassia - - - - -	10 per cent.	20 per cent.
25	Cloves - - - - -	10 per cent.	20 per cent.
26	Coffee - - - - -	7 ½ per cent.	15 per cent.
27	Coral - - - - -	10 per cent.	20 per cent.
28	Nutmegs and mace - - - - -	10 per cent.	20 per cent.
29	Pepper - - - - -	10 per cent.	20 per cent.
30	Rattans - - - - -	7 ½ per cent.	15 per cent.
31	Tea - - - - -	10 per cent.	20 per cent.
32	Vermillion - - - - -	10 per cent.	20 per cent.
33	Wines and liqueurs - - - - -	10 per cent.	20 per cent.
34	Spirits, consolidated duty, including any duties levied heretofore through the police, And the duty on spirits shall be rateably in- creased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.	-- 9 as. per im- perial gallon.	-- 1 re. per impe- rial gallon.
35	Tobacco - - - - - Which duty shall be the minimum customs duty levied on raw tobacco, and all preparations thereof, in all the ports of the Bombay presi- dency; but if at the rate of 5 per cent. on the actual value, a higher duty than 1 rupee 8 annas per maund should be leviable on any preparation of tobacco, the duty shall be levied <i>ad valorem</i> at that rate if imported on British bottoms, and at 10 per cent. on foreign bottoms. And the cus- toms duty laid upon tobacco shall be allowed in settling for the special duty levied on the import of this article into the island of Bombay, which special duty shall be levied at the rate of 9 ru- pees for the Indian maund.	- - 1 re. 8 as. per md. of 80 to- las per seer.	- - 1 re. 8 as. per md. of 80 tolas per seer.
36	All articles not included in the above enumeration -	3 ½ per cent.	7 per cent.

And if the collector of customs shall see reason to doubt whether the goods liable to a different rate of duty, according to the place of their production, come from the country from which they are declared to come by the importer, it shall be lawful for the collector of customs to call on the importer to furnish evidence as to the place of manufacture or production; and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of goods imported, excepting opium and salt, and all goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import, as per custom-house register, and the goods be identified to the satisfaction of the collector of customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the custom-house registers.

ACTS of 1838.

SCHEDULE (B.)

RATES of DUTY to be charged on Goods EXPORTED by Sea from any Port or Place in the Presidency of Bombay.

No.	ENUMERATION OF GOODS.	EXPORTED ON BRITISH BOTTOMS.	EXPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin - - - - -	free - - -	free.
2	Precious stones and pearls - - - - -	ditto - - -	ditto.
3	Books, maps, and drawings printed in India - - - - -	ditto - - -	ditto.
4	Horses and living animals - - - - -	ditto - - -	ditto.
5	Opium, covered by a pass - - - - -	ditto - - -	ditto.
6	Ditto, not covered by a pass - - - - -	prohibited - - -	prohibited.
7	Cotton-wool exported to Europe, the United States of America, or any British possession in America.	free - - -	-- 9 as. per md. of 80 tolas to the seer.
8	Ditto, ditto, exported to places other than above -	-- 9 as. per md. of 80 tolas per seer.	-- 1 re. 2 as. per md. of 80 tolas to the seer.
9	Salt, having paid the excise of 8 annas a maund -	free - - -	free.
10	Tobacco - - - - -	-- 1 re. 8 as. per maund of 80 tolas to the seer.	-- 1 re. 8 as. per md. of 80 tolas per seer.
11	All country articles not enumerated or named above.	3 per cent. -	6 per cent.

And upon the re-export to Europe, the United States of America, or to any British possession in America, or from any other port of the Bombay Presidency, of cotton that has been imported under certificate of the payment of the duty specified in this Schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export, as per custom-house registers, the whole amount of export duty levied at the first place of export shall be refunded.

SCHEDULE (C.) .

MANIFEST of Goods Imported per	Commander, from	under
Colours; viz.		

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	DESCRIPTION OF GOODS.	Invoice Value.	Tariff Value.
A.	1 a 5	5 cases	250 pieces	-	-	3,000	Cambrics. Long-cloths, bleached. Ditto - unbleached. Madapollams, bleached. Ditto - unbleached. Plain muslins.		

N.B.—Articles generally to be specified, excepting such as ironmongery, hardware, glassware, earthenware, cutlery, perfumery, confectionery, stationery, and such like.

All articles from Great Britain to be entered according to the English weight, not native.

From China, in like manner in China weights.

In imports and exports of bullion or coin, to specify the sort of which they consist.

ACT No. II. OF 1838.

ACTS of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 5th January 1838.

I. IT is hereby enacted, that from the 1st day of February 1838 salt shall not be manufactured at any place within the territories subject to the authority of the Lieutenant-governor of the north-western provinces, the districts beyond the right bank of the Jumna river excepted, unless the person conducting the manufacture shall, before preparing works for the production of such salt, give notice in writing to the collector of the district in which the place of manufacture may be situated, of his intention to manufacture salt therein.

II. And it is hereby enacted, that upon receiving such notice as is prescribed in the preceding section, the collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said collector shall think proper at every such place of manufacture, and shall have power to take account of the salt manufactured and stored, and to prevent the removal of the salt until the government duty thereon shall have been paid.

III. And it is hereby enacted, that every proprietor of salt works within the north-western provinces, at which an officer shall be stationed as above provided, shall pay to the collector the wages of one officer at the rate of 10 rupees per mensem for so long as such officer shall be retained for the supervision of the works; and if the collector shall see fit to employ more than one officer to watch any set of works, or to employ one officer receiving larger allowances than 10 rupees per month, the wages of such extra officers, or the extra wages of such one officer, shall be defrayed by government.

IV. And it is hereby enacted, that if any salt works be found producing salt, of which notice has not been given in the manner prescribed by the first section of this Act, such works shall be destroyed, and any salt stored thereat shall be seized and confiscated.

V. And it is hereby enacted, that it shall be the duty of every party under direct engagements with government for the land revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands, upon whose zemindaree, farm, or lakhiraj estate there shall be any works producing salt, of which works notice has not been given in the manner prescribed by the first section of this Act, to give notice of the same in writing to the nearest public officer of police or land revenue within 10 days from the date on which the works were first prepared; and every such proprietor, farmer, or proprietor of lakhiraj estate, who shall knowingly omit to give such notice, shall forfeit a sum not exceeding 500 rupees for every such salt work.

VI. And it is hereby enacted, that the magistrate or joint magistrate of any city or district shall be competent to receive and determine all charges on account of things done in contravention of this Act.

VII. And it is hereby enacted, that whoever offers any resistance to any officer appointed under the authority of this Act, in the exercise of the lawful power of such officer, shall be punished in like manner as if the resistance had been offered to the ordinary process of a collector.

ACT No. III. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 5th January 1838.

I. IT is hereby enacted, that Act No. VIII. of 1837 be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall appoint a joint criminal judge of Cochin, and shall give to such joint criminal judge jurisdiction over the districts of Anjengo and Chancherry, such joint criminal judge shall exercise, within his jurisdiction, all the powers of joint magistrate, as defined in the Madras Regulations.

ACTS of 1838.

ACT No. IV. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 29th January 1838.

IT is hereby enacted, that if it shall appear to the court of Sudder Adawlut of Bombay that any person has been guilty of perjury in any matter depending in that court, that court may immediately commit the offender to custody, and transmit him to the zillah court nearest to the presidency, in order to his being brought to trial before the session court of the zillah in which such zillah court is situated; and such person shall be dealt with in the same manner as if the perjury had been committed within the limits of the local jurisdiction of such court of session.

 ACT No. V. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 14th March 1838.

I. IT is hereby enacted, that the persons whose names appear in the schedule No. I. hereunto annexed, shall, from the 14th day of March 1838, form a corporate body for the warehousing of goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

II. And it is hereby enacted, that the said association shall sue and be sued by its corporate name, and shall use such common seal as the directors of the said association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

III. And it is hereby enacted, that the sum of 10,00,000 rupees, subscribed for the purposes of the said association by the persons hereby incorporated, shall be the capital stock of the said association, and shall be divided into 2,000 shares of 500 rupees each, and that every one of the persons hereby incorporated shall have one share of such capital stock for every 500 rupees which such person shall have subscribed.

IV. And it is hereby enacted, that the directors of the said association shall cause the names, additions, and places of residence of the proprietors of shares in the said capital stock, and the number of shares held by each proprietor, to be registered in a book; and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said association; and shall there be open to the inspection of all persons during the usual hours of business.

V. And it is hereby enacted, that a certificate, signed by three directors of the said association, shall be delivered to every proprietor of the said capital stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those shares, or several certificates, each of which may be for any number of those shares.

VI. And it is hereby enacted, that any share or shares of the said capital stock may be transferred by indorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also, that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a registry, to be kept for that purpose at the office of the said association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certificate, under the hand of an officer appointed for that purpose by the directors of the said association.

VII. And it is hereby enacted, that every proprietor of a share of the said capital stock, who shall cease to be a proprietor of such stock, shall cease to be
a member

a member of the corporation created by this Act; and that every person who shall become a proprietor of the said capital stock shall become a member of the corporation created by this Act, and shall, in respect of his share or shares of the said capital stock, be under the same liabilities under which an original proprietor of the said capital stock would be.

VIII. And it is hereby enacted, that the business of the said association shall be managed by six directors, and that Francis Macnaghten, Joseph Walker Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esqrs., shall be the first directors of the said association.

IX. And it is hereby enacted, that every director of the said association may be removed by a general meeting of the proprietors, and that every future director of the said association shall be elected by such a general meeting.

X. And it is hereby enacted, that a rotation among the directors of the said association shall be settled by lot, so that two of the said directors may go out of office on the Monday following the 15th day of May in every year, and that on the Monday following the 15th day of May in every year a general meeting of proprietors shall be held, at which two directors shall be chosen; and that no director, going out by such rotation, shall be capable of being re-elected till the Monday after the 15th of May in the year next following.

XI. And it is hereby enacted, that if any director of the said association shall cease to be a director otherwise than by the operation of the rule of rotation aforesaid, the directors of the said association shall, with all convenient speed, after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors, for the purpose of choosing a successor; and such successor shall come into the same place in the rotation aforesaid in which the director whom he has succeeded was.

XII. And it is hereby enacted, that no person shall be capable of being a director of the said association, who shall not be a proprietor in his own right of fifteen shares of the capital stock of the said association, which shares shall have been registered in his name not less than three calendar months before his election.

XIII. And it is hereby enacted, that no person shall be capable of being a director of the said association, unless he be resident within the territories subject to the presidency of Fort William, in Bengal.

XIV. And it is hereby enacted, that ordinary general meetings of the said proprietors shall be held at least twice in every year; that is to say, on the Monday following the 15th day of May, and on the Monday following the 15th day of November; and that at every such ordinary meeting the directors of the said association shall present a report in writing of the state of the affairs of the said association, and a balance sheet; and that such general meeting may declare a dividend out of the profits of the said association: provided always, that no dividend shall be made which shall diminish the capital of the said association.

XV. And it is hereby enacted, that any ordinary general meeting of the said association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

XVI. And it is hereby enacted, that extraordinary general meetings of the said association shall be held according to such rules as may be made for that purpose in the bye-laws of the said association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than seven days, which notice shall be published in not less than two newspapers printed at Calcutta.

XVII. And it is hereby enacted, that at general meetings of the proprietors every election and question shall be decided by a majority of votes; and that no proprietor shall be allowed to vote unless he be possessed of two or more shares of the capital stock of the said association; which shares shall have been registered in his name not less than three calendar months before.

ACTS of 1888.

XVIII. And it is hereby enacted, that at such general meetings no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale:

2	Shares shall entitle to	-	-	1 vote.
4	—	-	-	2 —
6	—	-	-	3 —
10	—	-	-	4 —
20	—	-	-	6 —
35	—	-	-	7 —
50	—	-	-	8 —

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said capital stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes shall be received in all respects as the vote or votes of a single proprietor would be received.

XX. And it is hereby enacted, that every proprietor entitled to vote at any general meeting may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor, and that the proprietor to whom the proxy is given may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

XXI. And it is hereby enacted, that the directors of the said association shall have authority to expend the money of the said association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose, and generally to manage all the concerns of the said association, subject to such rules as may be laid down in the bye-laws of the said association, and to keep the seal of the said association, and to use the said seal in the affairs of the said association; provided always, that the said seal shall never be affixed to any instrument except in the presence and by the consent of three directors, who shall sign their names on every such instrument in token of their presence and consent.

XXII. And it is hereby enacted, that the directors of the said association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and that no further call shall be made, except in consequence of a vote of a general meeting of the proprietors authorizing such further call; provided always, that no proprietor shall be called upon to pay more in proportion to his share in the capital stock than any other proprietor.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay in the manner described in the last section, on the day appointed for such payment, the said association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and that it shall be lawful for the directors of the said association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said association.

XXIV. And it is hereby enacted, that it shall be lawful for the directors of the said association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said directors to such proprietor or to his attorney or attorneys duly authorized, it shall be lawful for the said directors to sell by public sale the share or shares of such proprietor to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares, whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall till demanded be credited in the

the books of the said association to such proprietor, but no interest shall run thereon. ACTS of 1838.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836 of the Governor-General of India in Council, relating to private licensed warehouses shall be applicable to all warehouses wherein the said association shall receive bonded goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said association to give general security, by bond under the seal of the said association, for payment of the full duties of importation on goods lodged in any warehouse of the said association, or for the due exportation of such goods; and if the said association shall give such bond, no security shall be required from any other party to the same effect.

XXVII. And it is hereby enacted, that the directors of the said association shall from time to time fix the rates at which the said association will warehouse goods and receive goods at its wharfs, and that a table of such rates shall be placed at every warehouse and wharf of the said association.

XXVIII. And it is hereby enacted, that as often as any goods are lodged in any warehouse of the said association the secretary of the said association shall deliver a warrant, signed by him as such secretary, to the person lodging such goods, which warrant shall be as nearly as possible in the form set forth in Schedule (II.) annexed to this Act, and such warrant shall be transferable by indorsement, and shall entitle any person to whom it may have been so transferred by indorsement to receive the goods specified in such warrant on the same terms on which the person who originally lodged those goods would have been entitled to receive the same.

XXIX. And it is hereby enacted, that all suits brought against the said association shall be brought in the Supreme Court of Judicature at Fort William in Bengal, and not elsewhere.

XXX. And it is hereby enacted, that all the joint stock of the said association, of what kind or description soever, and all the land, warehouses, messuages, tenements, hereditaments, premises and property acquired therewith, of which the said association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the proprietors thereof, and their successors respectively, as personal estate, or as in the nature of chattel interests, and not as, or in the nature of, real estate.

XXXI. And it is hereby enacted, that in order to define the liability of proprietors of shares, and to save harmless themselves and their respective heirs, executors, administrators, representatives, and assigns, no proprietor, his heirs, executors, administrators, representatives or assigns, shall be personally liable to any person or persons whatsoever by reason of being a proprietor, in any event, or for or on account of any acts, deeds, contracts, or liabilities of the said association, or of the directors or secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but that the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained any judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment or decree from and out of or to the whole extent of the paid-up capital, accumulated funds, lands, messuages, tenements, hereditaments, and premises, whatsoever and wheresoever, which may at the time belong to the said association, or to which they may at the time be entitled.

XXXII. And it is hereby enacted, that it shall be lawful for the said association to make bye-laws, for the regulation of its own proceedings, which bye-laws shall be binding only on its own members and officers; provided that no such bye-law shall be valid till it shall have been approved of by two extraordinary general meetings of proprietors specially convened for that purpose, of which meetings the second shall be held not less than one calendar month after the first; provided also that no bye-law shall be valid till it shall have been confirmed by the Governor of the Presidency of Fort William in Bengal.

XXXIII. And it is hereby enacted, that it shall be lawful for the said association to increase its capital stock; provided always that no such increase shall

ACTS of 1838.

take place unless it be authorized by a vote of two extraordinary general meetings of proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

XXXIV. And it is hereby enacted, that in the event of such increase, the proprietors of the original stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased capital stock in proportion to the share which each has of the original capital stock; and so much of the additional capital stock as shall not be subscribed for by the said proprietors of the original stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said association, by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this Act, respecting the original capital stock of the said association, shall be applicable to any additional stock which may be subscribed in the manner hereinbefore described.

XXXVI. And it is hereby enacted, that if the said association shall be desirous to dispose of any premises purchased by the said association from the East India Company, the said East India Company shall have the right of pre-emption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the directors of the said association; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

XXXVII. And it is hereby enacted, that at any time after the 14th day of March 1860, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to direct that the said association be dissolved.

XXXVIII. And it is hereby enacted, that the said association may at any time be dissolved by a resolution to that effect, of two-thirds in number and value of the proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said association shall be ordered either by the Governor-General of India in Council, or by a vote of the said association, the Directors of the said association shall cause all the property of the said association to be converted into money, and shall divide whatever surplus may remain, after satisfying the debts of the said association, among the proprietors in proportion to the shares which the proprietors have in the capital stock of the said association; and after such distribution the said association shall forthwith be dissolved.

SCHEDULE No. I.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.	T. Willis.	W. H. Martin.
W. Speir.	J. Master.	A. Irvine, Major.
W. Martin.	G. C. S. Master, Lieut.	W. A. Peacock.
R. Speir.	T. A. Shaw.	J. A. Moore, Major.
T. Speir.	W. A. Shaw.	T. W. Burt.
J. S. Brownrigg.	H. Walters.	William Braddon.
J. Cockerell.	J. Innes.	Trustees of Mrs. Limond's
G. G. de H. Larpent.	W. Adam.	Marriage Settlement.
J. St. Pourcain.	Joseph Worthington.	J. W. J. Ouseley, Capt.
J. M. Dove.	James Cullen.	G. A. Prinsep.
Gungapersaud Gossain.	J. C. Palmer.	W. Barrington, Captain.
Ramchunder Seal.	A. Colvin.	T. C. Robertson.
J. Willis.	W. Ainslie.	Ramdas Dey.
W. Earle.	H. Cowie.	Bonomalee Mullick.
D. Willis.	T. S. Anquetil, Lt.-Col.	A. Muller.

Charles Trebeck.	J. Jackson.	Rajchunder Ghose.
T. Bowring.	A. S. Gladstone.	Radanauth Dutt.
J. W. Alexander.	J. Craigie, Lieut.-Col.	H. Barrow.
T. B. Swinhoe.	J. Williams.	Godadhur Mitter.
Robert Swinhoe.	Gopeekissen Paul.	E. D'Cruz.
A. Dobbs.	Megnarain Roy.	Goluckchunder Durr.
John Watson.	Ramnarain Mookerjee.	Luckinairan Day.
James Colcuhoun.	Doorgachurn Mookerjee.	T. Blechynden.
James Church.	Gowrichurn Mookerjee.	W. Rushton.
Edward Harding.	J. B. Biss.	A. J. Sturmer.
Henry Moore.	J. S. Biss.	Boloram Dey.
R. Watson.	Rogoonath Coondo.	Obhoychurn Mookerjee.
Mrs. B. Betty.	W. F. Gibbon.	Bolychaund Bysack.
Henry Mackenzie.	J. Cock.	Mrs. Sarah Moss.
Adam Scott & Co.	H. F. King.	W. Barrett.
Holodhur Chowdry.	James Hill.	Hurrimohun Mookerjee.
Charles S. Gover.	Taraneechurn Chatterjee.	Mohunchunder Ghose.
K. R. Mackenzie.	G. Herklots, junior.	Hurrimohun Banorjee.
S. R. Crawford.	F. O. Wells.	Kistnomohun Seal.
J. B. Higginson.	C. Lancaster.	Hurrochunder Bose.
Francis Macnaghten.	C. Lancaster, Trustee for	W. Ryland.
Carr, Tagore & Co.	Mrs. Cornish's Mar-	M. Hughes, Captain.
W. Carr, trustee for Mrs.	riage Settlement.	Annundchunder Mitter.
Dick's Marriage Set-	George Dougal.	J. A. Walker.
tlement.	John Richards.	T. Hyde Gardiner.
Robert Lyall.	Bruce, Shand & Co.	J. C. Owen.
Charles Lyall.	G. W. A. Lloyd, Lt.-Col.	Moheschunder Mitter.
John Lyall.	W. Freeth, Captain.	Prawnkisto Doss.
David Lyall.	J. P. Marcus.	Conai Lal and Mukun Lal.
W. T. Dawes.	Mrs. Bruce.	J. Rostan, junior.
Colville, Gilmore & Co.	Miss L. W. Bruce.	J. H. Rostan.
Alexander Rogers.	Joseph Bruce.	Madobchunder Sandell.
J. H. Crawford.	Charles C. Bruce.	Dyalchaund Bysack.
A. Porteous.	Debnarain Day.	W. Stacy.
J. Mackey & Co.	William Bruce, Trustee	J. George.
James Mackenzie.	for Mrs. Col. Lloyd.	Mrs. C. Shelverton.
P. J. Sarkies.	Ditto, ditto, for Mrs. A.	C. Shelverton.
G. Collier.	G. Glass.	Cassinath Bonerjee.
R. Bird.	Ditto, ditto, for E. B.	P. S. D'Rozario.
J. Ranken, M.D.	Squire, junior.	J. D'M. Sinaes, in trust
Brijbullub Doss and	Doorgachurn Bose.	for Miss J. F. Speed.
Gocul Doss.	Rajkissore Lahory.	Gorachand Bose.
J. S. Stopford.	Gourmohun Coondoo.	J. E. Dunn.
A. Beattie.	S. Hornby.	D. W. H. Speed.
Wilson, Frith & Co.	Hurrochunder Bose.	Rajkissen Dey.
G. C. Arbuthnot.	Romsoonder Mullick.	Jomejoy Bhowse.

SCHEDULE No. II.

Calcutta Bengal Bonded Warehouse Association.

I do hereby certify that _____ have deposited in the warehouse of the Association the undermentioned goods _____ which goods, the Association engage on demand, after payment of rent and incidental charges, and government dues or customs chargeable thereon, to deliver to the said _____ or their assigns, or to the holder of this warrant to whom it may be transferred by indorsement.

Secretary.

ACTS of 1838.

ACT No. VI. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 19th March 1838.

IT is hereby enacted, that whenever the Governor in Council of the presidency of Bombay shall appoint, or shall have appointed, a commission to inquire into any charge of malversation against any public servant, it shall be lawful for such Governor in Council to authorize such commission to summon witnesses before it, and to administer an oath, or any substitute for an oath, to them, and to examine them in like manner as it is lawful for the criminal courts of that presidency to do; and that any witness shall be guilty of perjury who shall give such evidence before such commission so authorized as if given before a court of justice would render such witness guilty of perjury.

ACT No. VII. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 23d April 1838.

IT is hereby enacted, that it shall be lawful for a judge of any zillah or city court, within the territories subject to the presidency of Fort William in Bengal, to exercise the powers vested in a single judge of the Sudder Dewanny Adawlut, by clause 2, section II. Regulation IX. of 1831 of the Bengal code.

ACT No. VIII. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 23d April 1838.

I. IT is hereby enacted, that from the 10th day of May 1838 the following rates of toll shall be levied, in the Company's currency, at the toll-gate of the Bhore Ghaut, on palanquins and laden bullocks, both in going and returning.

On every palanquin -	-	-	-	-	-	1 rupee.
On every laden bullock	-	-	-	-	-	6 pies.

II. And it is hereby enacted, that from the said day all the provisions of Act No. II. of 1837, of the Governor-General of India in Council, shall be applicable to palanquins and laden bullocks, and the tolls to be levied thereon, as if they had been inserted among the rates of tolls contained in section II. of that Act.

ACT No. IX. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 30th April 1838.

IT is hereby enacted, that from the 15th day of May 1838, it shall be competent to the session judges within the presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to magistrates to award fines under clause 1st, section XIII. Regulation XII. of 1827 of the Bombay code.

ACT No. X. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 30th April 1838.

I. IT is hereby enacted, that Regulation X. 1817, of the Bengal, code be repealed.

II. And

II. And it is hereby enacted, that the functionaries who are or may be appointed in the province of Kumaon be henceforth placed under the control and superintendence, in civil cases, of the court of Sudder Dewanny Adawlut at Allahabad; in criminal cases of the court of Nizamut Adawlut at Allahabad, and in revenue cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the government of the north-western provinces of the presidency of Fort William.

ACTS of 1838.

ACT No. XI. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 14th May 1838.

I. IT is hereby enacted, that section XV. Regulation XIX. of 1814, of the Bengal code, be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the functionary exercising the authority of government in the north-western provinces, to fix the remuneration of an ameen, or other person employed to effect a partition of an estate under the Regulations enacted for that purpose, and to cause the same to be levied from the parties concerned in the same manner as an arrear of revenue, at such periods, and in such proportions, as the said boards may severally think fit.

ACT No. XII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 21st May 1838.

IT is hereby enacted, that from the 1st day of July 1838, all powers vested by Regulation XI. of 1832, of the Madras code, in zillah or assistant judges, shall be vested in every principal sudder ameen within the territories subject to the government of the presidency of Fort St. George, in respect of all hidden treasure of any of the kinds specified in section II. of that Regulation; which may be found within his jurisdiction; and all rules applicable to zillah or assistant judges, shall be applicable to every such principal sudder ameen, in respect of such treasure.

ACT No. XIII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 21st May 1838.

I. IT is hereby enacted, that it shall be competent to the Governor-General of India in Council, by an Order in Council, to extend any part of the provisions of Regulation XII. of 1833, to the court of any principal sudder ameen, sudder ameen or moonsiff.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council to delegate the power given to him by section I. of this Act to the Governor of Bengal, and to the Lieutenant-governor of the north-western provinces, or to any functionary exercising the authority of government in the north-western provinces.

ACTS of 1838.

ACT No. XIV. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 16th July 1838.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III. of 1820 and IX. of 1831, to the articles of ganjah and bang:—the quantity of ganjah and bang which each person shall be allowed to have in his possession without a licence, within the limits specified in any such order, shall not exceed one half viss.

ACT No. XV. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 16th July 1838.

IT is hereby enacted, that clause 1, section XXXV. Regulation XII. of 1827, of the Bombay code, be repealed.

ACT No. XVI. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 23d July 1838.

I. *Clause 1.*—IT is hereby enacted, in modification of the Rules contained in chapter VIII. Regulation XVII. of 1827, of the Bombay code, that in the territories subject to the presidency of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land, or of the wuttuns of hereditary district or village officers is claimed, shall be brought in the courts of Adawlut and the courts subordinate thereto, and not in the courts of Revenue.

Clause 2.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all lands, premises, trees, crops, fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession; and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession, until ejected by a decree of a court of Adawlut.

Clause 3.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in clauses 3, 4, and 5 of section XXXI. Regulation XVII. of 1827, of the aforesaid code, which shall continue to be exercised by the Revenue Courts.

II. And it is hereby enacted, that if a suit be presented in the court of a judge or collector, which such judge or collector shall not deem within his jurisdiction, the party presenting such suit shall be referred by the court in which it may be first presented to that in which, in the opinion of such court, the jurisdiction lies, and the latter court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

III. And it is hereby enacted, that if a suit be presented in any court subordinate to the court of a judge or collector, which suit such subordinate court shall not deem to be within its jurisdiction, such subordinate court shall submit the case to the Judge's or Collector's Court to which such subordinate court is subordinate; and if the superior court to which the case is so submitted shall be
of

ACTS of 1838.

V. And it is hereby enacted, that when any court trying an appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a court of Adawlut, or a court subordinate thereto, or that the action was originally brought and decided in a court of Adawlut, or a court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the court trying the appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the suit to be tried in the court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits, if any such should be allowed to be filed; and the court trying any such case referred under the foregoing section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an appeal be made from such new decree by the party originally bringing the appeal, then the decree of the court trying such new appeal shall be passed without the cost of a new stamp on the petition of appeal to that party.

VI. And it is hereby enacted, that all original suits and appeals relating to any of the subjects enumerated in clause 1, section I. of this Act, which may be depending in the Revenue Courts, shall be forthwith transferred to the courts of Adawlut; and in all cases where the right of appeal may now be open, the appeal shall be brought to the court to which, under the rules of this Act, such appeal shall lie.

Passed by the Honourable the President of the Council of India in Council
on the 13th August 1838.

I. IT is hereby enacted, that from the 1st day of September 1838, it shall be competent to the zillah judges, the assistant judges of auxiliary courts, and the principal sudder ameen in the territories subject to the presidency of Fort St. George, to receive a summary appeal from the orders or decrees of the district moonsiffs stationed within their respective jurisdictions, in cases in which such district moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any suit ^{in which} they may have admitted, or any suit regularly referred to them of ^{any} superior authority.

II. And it is hereby enacted, that the provisions contained in the fifth and six following clauses of section 5, Regulation XV. of 1816 of the Madras code, regarding summary appeals, shall apply to the summary appeals preferred under the authority of this Act.

Passed by the Honourable the President of the Council of India in Council
on the 20th August 1838.

I. IT is hereby enacted, that from the 1st day of October next, in addition to the security authorized to be taken by section XII. Regulation XVI. 1827, 137. 0 2 of

ACTS of 1838.

of the Bombay code, it shall be lawful for every collector or other principal officer entrusted with the collection or management of the revenues of government, in the territories subject to the government of the presidency of Bombay, to require security of one or more individuals in the form of Schedule (A), from any officer employed under him, not being a covenanted servant or commissioned officer of the East India Company.

II. *First.*—And it is hereby enacted, that the surety or sureties of such officer as is aforesaid, who may enter into a bond of the form Schedule (A), shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against.

Second.—Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the government may actually sustain by the default of the principal, as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them.

Third.—And provided also, that the said surety or sureties shall, in no case, be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the collector's treasury, the whole or such part of the penalty named on the bond as may be demanded.

III. And it is hereby enacted, that the collector or other officer as aforesaid, may at any time after security has been given, the sanction of the superior revenue authority being first obtained, demand fresh or additional security, as may seem to him expedient.

IV. And it is hereby enacted, that any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning monies, papers, or accounts for which his principal may become chargeable after the expiration of such period of sixty days.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the bond, and such date shall be that of the appointment to the situation which the principal is declared in the bond to hold, or that from which any former security bond has been cancelled, or any other specific date which the officer requiring such security may determine, and the party or parties executing the bond shall agree to.

SCHEDULE (A.)

FORM OF BOND.

I, *A. B.* [we, *A. B.* and *C. D.*] do hereby become security on the part of ~~*E. F.*~~ by of the office of in the collectorship of and bind myself [ourselves severally and jointly] to make good all demands for public money, public papers and accounts, and all other property appertaining to government, which may have arisen from the date from which this bond is to take effect as hereinafter mentioned, and which may arise during such period as this bond may continue in force against the said *E. F.*; and on failure to produce public accounts, papers, or other property appertaining to government, not being money, I [or we] agree to forfeit such sum not exceeding [10,000 rs., or as the case may be] as the collector [or other officer, as the case may be] may deem proper.

This bond is to have effect from the date of appointment of the said *E. F.* [or as the case may be.]

Executed this

day of

in the year of

Witnesses.

[Signature of Security.]

Passed by the Honourable the President of the Council of India in Council
on the 27th August 1838.

I. IT is hereby enacted, that from the 1st day of November 1838 sections XX. and XXI., Regulation XX. of 1827 of the Bombay code, be repealed.

II. And it is hereby enacted, that from the said 1st day of November 1838 the following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the presidency of Bombay and employed on the coasts of the territories subject to the government of Bombay or in trading coastwise, as also with respect to fishing vessels and harbour-craft belonging to any of the same Her Majesty's subjects.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorized to make such registry as is hereinafter mentioned; and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry. At Bombay such registry shall be made by the master-attendant, and at other places within the said territories by the collector of sea customs at such places respectively, or by such other person as shall be appointed by the government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing vessel, or harbour craft, other than that by which she was first registered.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid; and whenever such vessels employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof and of the number there assigned to her, shall immediately be given by the registering officer to the master-attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing vessels, and harbour craft, at Bombay, shall be performed by the master-attendant; and at all other places within the territories subject to the government of Bombay, the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing vessel, and harbour craft, shall be performed by the collector of sea customs at such places respectively, or by such other persons as shall be appointed by the government of Bombay to act at such places respectively, in the execution of this Act.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

ACTS of 1838.

VIII. And it is hereby enacted, that such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with; the registrations with respect to fishing vessels and harbour craft, to take effect from the 1st of November 1838.

X. And it is hereby enacted, that the owner or owners of such vessels employed as aforesaid (fishing vessels and harbour craft being excepted), on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of	- - -	1 rupee.
For each certificate for a vessel exceeding 20 such candies burthen, and not exceeding 100 candies burthen	- -	5 —
For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen	- -	7 —
And for each certificate for a vessel of 100 tons, or greater burthen, per ton	- - - - -	2 annas.

XI. And it is hereby enacted, that the person or persons so authorized to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as the Governor of Bombay in Council shall appoint; the same to be carried to the credit of the government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce, on demand thereof by any officer of the customs within the said territories, or by any officer of the Indian navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as abovementioned.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed, the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing vessel or harbour craft shall be subject to a fine of 10 rupees, which fines may be recovered on conviction before any magistrate, justice of the peace, or person exercising the powers of a magistrate having jurisdiction within the said territories, by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle, and apparel; and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel, or harbour craft, guns, furniture, tackle, ammunition, and apparel, as last mentioned, to be made out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions as to the said Governor in Council shall seem meet.

XV. And

XV. And it is hereby enacted, that from the 1st day of November 1838 a certificate from the marine paymaster at Bombay, or from the boat-master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom-house of Bombay. ACTS of 1838.

SCHEDULE.

THIS is to certify that [here insert the names, occupation, and residence of the owners], having declared, that [he or they] are sole owner or owners of the vessel [fishing vessel or harbour craft] called [the name], which is of the burthen of [number of Bombay candies], and that the said vessel [fishing vessel or harbour craft] was [where and when built], the said vessel [fishing vessel or harbour craft] has been duly registered at the port of [name of port].

Certified under my hand.

[Signature of officer.]

ACT No. XX. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 27th August 1838.

I. IT is hereby enacted, that from the 1st day of October next, section VIII. Act XVII. 1837, be repealed.

II. And it is hereby enacted, that when there is no bhangee post established on any line of road, letters and packets exceeding in weight 12 tolas, and not exceeding 40 tolas, shall be received by postmasters for transmission by the letter post under the rules which follow.

First.—If the letter or packet received for dispatch be of the description specified in heads Nos. 1, 2, and 3 of the Schedule (A.) annexed to Act XVII. of 1837, the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said Schedule, and the postmasters shall forward every such letter or packet on the same terms, the postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 tolas in weight.

Second.—If any packets exceeding 12 tolas in weight, and not exceeding 40 tolas, when so brought for dispatch along a road where there is no regular bhangee post established, be certified by attestation written on the cover not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2, and 3 of the said Schedule; and further, if it be so certified that such packets do not contain any writing in contravention of sections IX. and X. Act XVII. of 1837, every such packet shall in like manner be forwarded by the letter post being charged with duty as specified and prescribed in Table 4, Schedule (A.) for bhangee parcels: provided, however, that it shall be in the power of the postmaster at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets so conveyed by the letter post at bhangee postage rates, in the manner prescribed in section XXX. Act XVII. 1837: provided also, that government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the postmaster for conveyance by virtue of this Act, and that no person employed by the government in the post-office department shall be responsible for any such loss or damage unless such person has caused such loss or damage maliciously or fraudulently.

III. And it is hereby enacted, that if packets exceeding 40 tolas in weight be brought for dispatch by the letter post at bhangee rates, the same may be forwarded under the rules and restrictions prescribed in the preceding section of this Act: provided, however, that the transmission of such over-weight packets shall be discretionary with the postmaster, to whom they may be brought for dispatch, to forward them at such times and in such manner as may be convenient.

ACTS of 1838.

IV. And it is hereby enacted, that no packet brought for dispatch by bhangee post shall be returned from any post-office on the ground that the bhangee post has not been laid for the whole distance to the place of delivery.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover, or packet delivered at any post-office for conveyance by post, what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the post-office revenue, every such person shall, on conviction, be subject to a fine of 50 rupees for every such offence.

VI. And it is hereby enacted, that whoever shall send, or cause to be sent, by the government post any packet, under the provisions of this Act, of the description mentioned in Table 2 of Schedule (A.) Act No. XVII. A. D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

VII. And it is hereby enacted, that whoever shall send, or cause to be sent by the government post, under the provisions of this Act, any packet of the description mentioned in Table 3 of Schedule (A.) Act No. XVII. A. D. 1837, which shall contain any writing whatsoever, except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the letter post, or by the bhangee post in contravention of the provisions of sections IX. and X. of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto by notice in writing from the postmaster-general, or from any postmaster; and if not paid upon such demand, the same shall, upon conviction of the offender before any magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand of such magistrate; and if upon the return of such warrant it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such magistrate, by warrant under his hand and seal, to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

IX. And it is hereby enacted, that it shall be lawful for the postmaster to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of sections IX. and X. of Act. XVII. 1837, or of any of the provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

ACT No. XXI. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 27th August 1833.

I. IT is hereby enacted, that it shall be lawful for the Governor-General of India in Council, in his executive capacity, to direct the coinage, and issuing of any silver coins, of a value represented in even annas or sixteenths of the Company's rupee, provided they be of the same standard as that prescribed for such rupee by the Act No. XVII. of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1835 and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the coins which may be coined and issued by virtue of this Act.

ACT No. XXII. of 1838.

ACTS of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 10th September 1838.

I. IT is hereby enacted, that from the 1st day of October 1838, it shall be competent to the zillah and city judges, in the territories subject to the presidency of Fort William in Bengal, to receive a summary appeal from the orders or decrees of the moonsiffs subordinate to them, in cases in which such moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed, on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the 5th and 6th following clauses of section III. Regulation XXVI. of 1814, and section II. Regulation XII. of 1833, and section VII. Regulation IX. of 1831 of the Bengal code, shall apply to the summary appeals preferred under the authority of this Act.

ACT No. XXIII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 17th September 1838.

IT is hereby enacted, that so much of section III. Regulation IV. of 1831 of the Madras code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in section II. of the said Regulation, be repealed; and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of court whatever.

ACT No. XXIV. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 24th September 1838.

I. IT is hereby enacted, that section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply that the capital stock of the Bank of Bengal shall not exceed 75 lakhs of rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, whenever he shall see fit, from time to time, by an order to be notified in the Calcutta Gazette, to authorize the capital stock of the said bank to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice to the proprietors of the said bank for the time being, and allowing to them a period of not less than 18 months to fill up such subscription.

III. And it is hereby enacted, that whenever such increase of capital stock of the Bank of Bengal shall be ordered by the Governor-General of India in Council, the proprietors entitled to share therein shall not be debarred of the right to subscribe for the new stock, in the proportion of the shares they may be legally holding, by reason of any limit to the quantity of stock which a single proprietor may hold that may be imposed by the provisions of the charter of the bank, or by any clause or provision contained in Act No. XIX. of 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, when he shall direct an increase to be made of the capital stock of the Bank of Bengal, to prescribe that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of stock represented by such share, and after subscription made at any time within the

ACTS of 1838.

period of notice prescribed in section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up and annexed to the capital stock of the Bank in such manner and at such dates as may be deemed most convenient and proper, and likewise to prescribe that the amount of new capital that may not be subscribed for by proprietors within the period of 18 months so specified, shall be sold by auction by an officer of the bank, for the benefit of the said bank, on some early date after the close of such period, and that the proceeds of such sale shall be at the disposal of the proprietors of the bank by resolution duly passed at their general meetings, anything in the existing charter of the said bank regarding the method of taking the subscriptions of new capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, at the time of ordering any increase of the capital stock of the Bank of Bengal, to reserve the portion of such increase that may belong to government by reason of its share of the capital of the said bank, and to fix any date within the period of 18 months above specified, as that before which it shall be finally declared whether the government will take the share of new stock to which it is so entitled, or will refuse the same; and in case of refusal by government to take its share of new stock, such stock shall not be sold on account of the proprietors at large, as above provided for stock not subscribed for by other proprietors, but the amount to which the government may be so entitled shall not be raised, and if the government shall determine to subscribe for the share of new capital to which it is entitled, it shall be lawful for the Governor-General of India in Council either to retain the same or to order the sale of such new stock, or any portion thereof on account of government, in such manner and at such times as to him may seem fit.

ACT No. XXV. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 8th October 1838.

I. IT is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: (that is to say) the word "will" shall extend to a testament and to a codicil, and to an appointment by will, or by writing, in the nature of a will in exercise of a power, and also to a disposition by will and testament of devise of the custody and tuition of any child, by virtue of an Act passed in the 12th year of the reign of King Charles 2d, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures *in capite*, and by Knight's Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the 14th and 15th years of the reign of King Charles 2d, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures *in capite*, and by Knight's Service, and to any other testamentary disposition; and the words "real estate" shall extend to messuages, lands, rents, and hereditaments, whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein: and every word importing the singular number only shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And it is hereby enacted, that an Act passed in the 32d year of the reign of King Henry 8th, intituled "The Act of Wills, Wards, and Primer Seisins, whereby a Man may devise Two parts of his Land;" and also an Act passed in the 34th and 35th years of the reign of the said King Henry 8th, intituled "The Bill

Bill concerning the explanation of Wills;" and also an Act passed in the Parliament of Ireland in the 10th year of the reign of King Charles 1st, intituled "An Act how Lands, Tenements, &c. may be disposed by Will or otherwise, and concerning Wards and Primer Seisins;" and also so much of an Act passed in the 29th year of the reign of King Charles 2d, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of Ireland in the 7th year of the reign of King William 3d, intituled "An Act for prevention of Frauds and Perjuries, as relates to Devises or Bequests of Lands or Tenements, or to the revocation or alteration of any Devise in Writing of any Lands, Tenements or Hereditaments, or any Clause thereof, or to the Devise of any Estate *pur autre vie*, or to any such Estate being Assets or to Nuncupative Wills, or to the repeal, altering, or changing of any Will in writing concerning any Goods or Chattels, or Personal Estate, or any Clause, Devise, or Bequest therein;" and also so much of an Act passed in the 4th and 5th years of the reign of Queen Anne, intituled "An Act for the amendment of the Law, and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the 6th year of the reign of Queen Anne, intituled "An Act for the amendment of the Law, and the better advancement of Justice," as relates to witnesses to nuncupative wills; and so far as the following Acts may be construed to have any operation within the territories of the East India Company, so much of an Act passed in the 14th year of the reign of King George 2d, intituled "An Act to amend the Law concerning Common Recoveries;" and to explain and amend an Act made in the 29th year of the reign of King Charles 2d, intituled "An Act for prevention of Frauds and Perjuries," as relates to estates *pur autre vie*; and also an Act passed in the 25th year of the reign of King George 2d, intituled "An Act for avoiding and putting an end to certain Doubts and Questions relating to the Attestation of Wills and Codicils, concerning real Estates, in that part of Great Britain called England, and in His Majesty's Colonies and Plantations in America," except so far as relates to His Majesty's colonies and plantations in America; and also an Act passed in the Parliament of Ireland in the same 25th year of the reign of King George 2d, intituled "An Act for the avoiding and putting an end to certain Doubts and Questions relating to the Attestations of Wills and Codicils, concerning Real Estates," shall, from the passing of this Act, cease to have effect in the territories of the East India Company, except so far as the same Acts, or any of them respectively, relate to any wills or estates *pur autre vie*, to which this Act does not extend.

III. And it is hereby enacted, that this Act shall only extend to the wills of persons whose personal property cannot, by the law of England, pass to their representatives without probate or letters of administration obtained in one of Her Majesty's supreme courts of judicature; and that the statutes, and parts of statutes aforesaid, are only repealed as far as they relate to the succession to the property of such persons.

IV. And it is hereby enacted, that it shall be lawful for every person to devise, bequeath, or dispose of by his will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the heir at law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory, or other future interests, in any real or personal estate, whether the testator may or may not be ascertained as the person, or one of the persons, in whom the same respectively may become vested, and whether he may be entitled thereto, under the instrument by which the same respectively were created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry; and also to such of the same estates, interests, and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

ACTS of 1838.

V. And it is hereby enacted, that no will made by any person under the age of 21 years shall be valid.

VI. Provided also, and it is hereby enacted, that no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned (that is to say); it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

VIII. And it is hereby enacted, that no appointment made by will in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding that it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

IX. And it is hereby enacted, that every will executed in manner hereinbefore required shall be valid without any other publication thereof.

X. And it is hereby enacted, that if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XI. And it is hereby enacted, that if any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

XII. And it is hereby enacted, that in case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XIV. And it is hereby enacted, that every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

XV. And it is hereby enacted, that no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same

same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. ACTS of 1838.

XVII. And it is hereby enacted, that no obliteration, interlineation, or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the will opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XVIII. And it is hereby enacted, that no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in a manner hereinbefore required, and showing an intention to revive the same; and when any will or codicil which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a will of, or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

XX. And it is hereby enacted, that every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

XXI. And it is hereby enacted, that unless a contrary intention shall appear by the will, such real estate and interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime

ACTS of 1838.

or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue or otherwise; provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXV. And it is hereby enacted, that where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication.

XXVI. And it is hereby enacted, that where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail, or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXVIII. And it is hereby enacted, that where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXIX. And it is hereby enacted, that notwithstanding anything in this Act contained, any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act No. XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, transmitted by the last will of any person having a beneficial interest in the same, is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such will shall be executed and construed as a will of chattels real is to be executed and construed by virtue of this Act.

XXXI. And it is hereby enacted, that this Act shall not extend to any will made before the 1st day of February, in the year of our Lord 1839, and that every will re-executed or re-published or revived by any codicil shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the 1st day of February in the year of our Lord 1839.

ACT No. XXVI. of 1838.

ACTS of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 8th October 1838.

I. IT is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the presidency of Fort St. George to direct that all or any persons committed by the principal sudder ameen of Sursee for trial before the court of circuit for the western division of the territories subject to that presidency, shall be tried at the sessions of gaol delivery to be held at Honore.

II. And it is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the presidency of Fort St. George, to direct that all or any persons committed by any principal sudder ameen for trial before the court of circuit shall be tried at any sessions of gaol delivery to be held at any station within the zillah to which the court of such principal sudder ameen may be attached.

ACT No. XXVII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 22d October 1838.

I. IT is hereby enacted, that so much of clause 1, section XVIII. Regulation V. of 1831 of the Bengal code, as provides that no suit be referred to a principal sudder ameen, in which the vakeels or officers of his court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above clause, a suit cannot be referred to a sudder ameen, because he himself or his relatives or dependents are a party to the suit, and where the zillah and city judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the courts of Sudder Dewanny Adawlut within the territories subject to the presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their register, that the cognizance of such suit shall be transferred to any other zillah or city court subordinate to the same court of Sudder Dewanny Adawlut; and the judge of such other zillah or city court may thereupon refer such suit in the same manner as if the same had been originally instituted in the court of such other zillah or city.

ACT No. XXVIII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 5th November 1838.

IT is hereby enacted, that where any person or persons shall be convicted at any sessions of oyer and terminer or gaol delivery, that shall be holden for any of the presidencies of Fort William, Fort St. George, the presidency or island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of perjury, it shall be lawful for the court before which any person shall be so convicted, to order and adjudge such person to be transported to such place as the court shall direct for life or for any term of years, or to be imprisoned for exceeding four years, with or without hard labour, and with solitary confinement for such portion or portions of the said term as such court shall think fit, not exceeding one month at a time, or three months within the period of one year: Provided, that it shall not be lawful for any such court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

ACTS of 1838.

ACT No. XXIX. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 12th November 1838.

IT is hereby enacted, that from the 1st day of December 1838, sections LIX. LX. and LXI. Regulation X. 1819, of the Bengal code, shall be repealed.

II. And it is hereby enacted, that when information shall be given to any salt agent or superintendent of salt chokies that contraband salt is stored in any warehouse, dwelling house, or other place situated in the tract of country in Bengal or Orissa within which the transportation of salt without ruwana is not lawful, and such salt agent or superintendent of salt chokies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office. First, the name, profession and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse or other place where the salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of, or by whom the salt is there stored. Fourthly, the quantity and description of the salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following, that is to say, the salt agent or superintendent of chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest police darogha or other officer in charge of the police thana or station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of salt in store so informed against, it shall be competent to any salt agent or superintendent, having a police officer in company, to break open the door of the house, warehouse or other place in which the salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the salt agent or superintendent shall not be able to proceed in person to make a seizure of salt, in manner above provided, he shall send along with the informer one or more confidential officers of his public establishment, not being under the rank of a jemadar or peons, giving to such officer or officers his warrant ordering and authorising the seizure, and sending notice as above prescribed for the police darogha or other police officer to attend, and the officer so deputed shall have power to act in like manner as is provided for the agent or superintendent in person; provided that the door of no house, warehouse or other place, shall be broken open to make a seizure of salt except in the presence of a salt agent or superintendent of chokies, or of an officer so specially deputed, and of an officer of police.

VI. And it is hereby enacted, that it shall be competent to the head officer of any salt chokee or aurung for the manufacture of salt, and for any assistant to a salt agent or superintendent, to receive information of salt exceeding one maund in quantity being in store in a house, warehouse, or other place in the manner prescribed in section II., and to act thereupon as provided in sections III. and IV. of this Act for the salt agent and superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of a salt agent or superintendent of chokies, or from the place where the salt agent or superintendent may be.

VII. And it is hereby enacted, that if the darogha or person in charge of any police thana or station, receiving notice to attend at a seizure of salt in store as is above prescribed, shall not attend, or attending shall refuse to act in aid of the seizure, or shall in any way wilfully frustrate the object of the search and seizure,

seizure, such darogha or other officer shall, on representation of the facts by the officers of the salt department, and on conviction of the same before the magistrate of the district, besides being dismissed from office, be liable to a fine equal to the amount of fine that would have been leviable on the owners of the salt, if it had been seized according to the information laid.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse, or other place, to effect a seizure of salt, the rules and precautions prescribed in Regulation XX. of 1817, and section X. Regulation VII. of 1779 of the Bengal code, for breaking into a house for execution of process of distraint, shall always be observed by the police officers in attendance; provided however that the responsibility for the act, and the determination whether to require the door to be broken open or not, shall rest with the officers of the salt department only.

IX. And it is hereby enacted, that whenever a seizure of salt in store in any house, warehouse, or other place shall be made by a salt agent or superintendent of chokies, the circumstances which attended the seizure shall be recorded in an official proceeding, to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an officer of the salt department, other than an agent or superintendent of chokies, such officer shall report the circumstances within 24 hours to his official superior; and the police officer in attendance shall likewise report the occurrences at the time of seizure to his official superior.

XI. And it is hereby enacted, that no salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless when the search is made there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever salt shall be seized as contraband, because unaccompanied by any ruwana or other protecting document, the person or persons conveying, or having in charge the same, shall be apprehended; and all officers who are empowered to seize salt under the provisions of Regulation X. 1819 of the Bengal code, shall likewise be competent to arrest the parties found with or having the salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the salt agents and superintendents of chokies and other officers who may be duly empowered to seize salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits described in section XXXIII. of this Act; and if salt shall be found thereon not accompanied by the necessary ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an officer empowered to adjudicate cases of contravention of the salt law.

XIV. And it is hereby enacted, in modification of section XXXVI, Regulation X. of 1819, of the Bengal code, that if any person shall be found in the act of conveying salt without ruwana, or other protecting document, exceeding in quantity five seers, of 80 tolahs to the seer, within the tract of country in Bengal or Orissa, wherein the transportation of salt is prohibited unless so protected, or if several persons be found carrying salt so unprotected, in gangs or companies, which salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of salt.

XV. And it is hereby enacted, in modification of section CXXI. of Regulation X. 1819 aforesaid, that any person or persons who may be convicted of smuggling salt without ruwana singly or in gang, and sentenced to pay a fine to government on account of salt so smuggled, or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the criminal or foudjaree gaol, for a period not exceeding six months, in commutation of such fine.

XVI. And it is hereby enacted, in further modification of section CXXI. of Regulation X. 1819 aforesaid, that any person who may be sentenced under sections

ACTS of 1838.

sections XXXI. LXVIII. and LXX. of the said Regulation, to imprisonment in addition to fine, for the offences described in those sections respectively, shall in like manner be liable as above provided for persons convicted of gang smuggling, to undergo such punishment in the foudaree gaol: and cases of the kind described in the said sections shall be adjudicated in like manner as cases in which fine only is adjudged: and the warrant of the officer adjudicating any case under this or the preceding section of this Act, shall be authority for the magistrate or other person in charge of the foudaree gaol, to hold the person described therein in confinement in such gaol, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in sections XXXI. and LXX. of Regulation X. of 1819 aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the foudaree gaol for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any salt agent to proceed for the recovery of any balance that may be due to government within the year, upon any contract made for the manufacture of salt in the limits of his agency, by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the government in zemindars and sudder farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an officer duly authorized to seize salt, or shall procure his release after arrest, or if the party found with the salt in possession, or any other persons resist any such officers, they shall severally and respectively be liable to the punishment prescribed in section LVI. of Regulation X. 1819 of the Bengal code.

XX. And it is hereby enacted, that if any officer making an arrest upon account of salt smuggling shall neglect to carry the person arrested to the proper officer of the salt department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any officer competent to adjudicate a forfeiture of contraband salt; and, in case of non-payment of the fine, to a further imprisonment not exceeding three months, at the discretion of the officer deciding the case.

XXI. And it is hereby enacted, that whenever any person may be arrested by an officer of the salt department, or by any other officer of other departments duly empowered to make a seizure of salt, the person making the arrest shall be bound to carry the party arrested direct to the officer of the salt department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by law.

XXII. And it is hereby enacted, that if any officer of the salt department be convicted before the magistrate of any district, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for salt, or of having vexatiously and unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XXIII. And it is hereby enacted, in modification of section CXXII. Regulation X. of 1819 aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit salt in store in any house or warehouse, and so procured that such house or warehouse shall be searched.

searched to the injury or vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, on conviction of the offence before any magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 rupees, at the discretion of any magistrate by whom the case may be tried; and in case of the non-payment of the fine, to imprisonment for a further period of six months.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of salt, and shall be liable to the penalty of five rupees per maund, as prescribed in section XXXVI. Regulation X. of 1819 of the Bengal code, the fine shall be at the said rate according to the quantity of salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the revenue, shall be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy-Governor of Bengal to vest with the power of adjudicating cases of contravention of the laws for protection of the revenue derived from salt, any assistant to a salt agent, or uncovenanted superintendent of salt chokies, who may seem to him qualified; and such officers, when invested with such powers, shall exercise them, subject to the same rules and restrictions as covenanted salt agents and superintendents of chokies; provided that no officer adjudicating cases of contravention of the salt revenue laws shall receive any part of the rewards that may be decreed, or otherwise benefit directly by the adjudication of such cases.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal code for other cases of contravention of the laws for the protection of the revenue derived from salt; and the officer adjudicating the case shall be guided by the provisions of sections C. to CXVI. of that Regulation; and the judge of the city or zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisions of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulation.

XXVII. And it is hereby enacted, in modification of clauses XXXII. and XXXIII. of Regulation X. 1819 of the Bengal code, that it shall be the duty of every party under direct engagements with government for the land revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree, farm, or lakhiraj estate there shall be any works producing salt otherwise than under contract with a salt agent or on account of government, to give notice of the same in writing to the nearest public officer of police or land revenue or of the salt department, within 10 days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the land revenue of any muhal on the part of government, or of the court of wards, or of joint proprietors, to give like notice in respect to salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable, on conviction before the judge of any zillah or city, to a fine of 500 rupees, for every khadar or salt work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances, at the discretion of the judge deciding the case; and any fine that may be adjudged under this section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any salt agent or superintendent of chokies in the manner provided for decrees of the civil courts.

XXVIII. And it is hereby enacted, in modification of section LXIV. Regulation X. of 1819 aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of salt from any golah or place of government store, sufficient to convict the parties concerned therein of theft within the provisions of the said section, the officer or officers who may have been entrusted with the charge of such golah, or place of government store, shall nevertheless be liable for the offence of embezzling the salt of any store in their custody, the out-turn

ACTS of 1838.

of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account; and the officer in charge of any golah or salt store shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this section, shall be liable, on conviction before the magistrate of the city or district, to be punished by fine and imprisonment, under the general powers vested in the zillah and city magistrates.

XXIX. And it is hereby enacted, in addition to the rules contained in sections CXI. CXII. and CXIII. of Regulation X. 1819 of the Bengal code, for the adjudication of cases of contravention of the laws enacted for the protection of the revenue derived from salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in section CII. of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the officer adjudicating the case shall pass judgment thereon, under the said last-mentioned section, in like manner as if the parties accused were present; and the officer so adjudicating any case *ex parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted, for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal code, and in this Act, for cases in which the parties were present; and further, may at any time sue out process for levying the amount of fine adjudged, from any civil court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such civil court under section XXX. of this Act.

XXX. And it is hereby enacted, that when the officer holding proceeding in any case *ex parte*, as above provided, shall refer the case to the judge of any city or zillah, in consequence of the amount of fine being such as the said officer is not competent finally to adjudge, the judge of the city or zillah to whom such case may be referred, shall issue such orders and institute such proceedings as are authorized by sections CXI. to CXIII. of Regulation X. of 1819, of the Bengal code, in like manner as if the offenders were sent over with the case, or were present to be heard in their defence; and whenever any fine may be adjudged by the zillah or city judge, the same may be levied on the application of the salt agent or superintendent of salt chokies under the rules in force for the execution of the decrees of civil courts.

XXXI. And it is hereby enacted, in modification of the rules contained in sections CIX. and CXII. of Regulation X. of 1819 of the Bengal code, whereby the power of final adjudication by salt agents or superintendents of chokies, in cases of the contravention of the laws enacted for the protection of the salt revenue, is restricted to cases in which the quantity of salt proposed to be confiscated shall not exceed 20 maunds, or the fine adjudicated shall not exceed 50 rupees, that the judgment of any salt agent or superintendent of chokies, or of any other officer vested by government with like jurisdiction in such cases, shall be final in all cases wherein the salt adjudged to be confiscated shall not exceed 80 maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 rupees; provided, however, that every such judgment may, under section CXVII. of the said Regulation, be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of section CXIV. Regulation X. 1819 of the Bengal code, that the zillah and city judges shall pass final judgment in all cases referred to them for adjudication when the quantity of salt to be confiscated shall exceed 80 maunds, or the fine imposed shall exceed 400 rupees; provided, however, that there shall in all such cases be an appeal open to the Sudder Dewanny Adawlut, under the rules for the admission of special appeals in that court, upon any point of law which may be ruled by a zillah or city judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of country guarded by salt chokies in the manner prescribed in section XXXVI. of Regulation X. 1819 of the Bengal code, and within

within which the transportation of salt, not belonging to government, without a ruwana, or special pass from the Board of Customs, Salt, and Opium, is not lawful; and it is hereby declared that such tract shall not extend, within the Delta of the Ganges and Megna rivers, beyond the line of the reach of the tides in the rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor eastward of the Megna, north of the river Goomtee; nor westward of the river Hooghly, beyond a line drawn from a point on that river distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Gut-taul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns respectively.

ACTS of 1838.

ACT No. XXX. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 19th November 1838.

I. IT is hereby enacted, that sections II. and XIV. Regulation XXXVI. 1793, the provisions of which were extended by Regulation XXVIII. of 1795, Regulation XVII. of 1803, section XVII. Regulation VIII. of 1805, and section XXXII. Regulation XII. of 1805, section IV. and clauses 2 and 3, section VI. Regulation XX. 1812, and section II. Regulation IV. of 1824, of the Bengal code, be modified.

II. And it is hereby enacted, that in addition to the offices to which those sections relate, offices for the registry of deeds may be established at any civil stations, and may be placed by the orders of government under the superintendence of any officers resident at such stations whom government may nominate for that purpose.

III. And it is hereby enacted, that the registration of deeds at any office of registry authorised by this Act shall be subject to the payment of the same fees as are prescribed in section XIV. Regulation XXXVI. 1793, for deeds registered at an office established at the station of a zillah or city court.

IV. And it is hereby enacted, that section XV. Regulation XXXVI. 1793, and clauses 2 and 3, section VI. Regulation XX. 1812, of the Bengal code, shall not be held applicable to offices and persons established and appointed for the registry of deeds under this Act.

V. And it is hereby enacted, that persons desirous of registering deeds written in any European language at any office of registry in the territories subject to the presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of section writing, in addition to the fees prescribed by section XIV. Regulation XXXVI. 1793.

VI. And it is hereby enacted, that in case of the death or absence on leave of any person appointed by government to register deeds under this Act, it shall be lawful for the zillah judge or other officer specially authorized by government, to appoint any person whom he may think proper to take temporary charge of the office and to register deeds in the same manner as if such person had been appointed to the office by the orders of government.

ACT No. XXXI. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 3d December 1838.

I. IT is hereby enacted, that so much of a statute made and passed in the 9th year of the reign of His late Majesty King George the Fourth, intituled "An Act for improving the Administration of Criminal Justice in the East Indies," as relates to any person who unlawfully and maliciously shall administer or attempt

ACTS of 1838.

to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who, with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money, or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall by menaces or by force demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling-house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling-house any chattel, money or valuable security to the value in the whole of fifty Company's rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any

any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to, shall, from the time of passing this Act, cease to have effect within the territories of the East India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

II. And it is hereby enacted, that this Act shall extend to all persons, and over all places, over whom, or which the criminal jurisdiction of any of Her Majesty's courts of justice within the territories under the government of the East India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to, or cause to be taken by any person, any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to any person any corrosive fluid or other destructive matter, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever, with intent to procure the carriage of any woman, shall unlawfully administer to her, or cause to be administered to her, any poison or other noxious thing, or shall unlawfully use any means or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

ACTS of 1838.

VIII. And it is hereby enacted, that on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found, the court shall have power to imprison the person so found guilty of an assault, for any term not exceeding four years.

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling-house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat, or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling-house any property to the value in the whole of 50 Company's rupees or more, or shall break and enter any dwelling-house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut, or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall, together with one or more person or persons, rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person, whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the

the court, to be transported to such place as the court shall direct, for any term not exceeding 15 years, nor less than 10 years, or to be imprisoned for any term not exceeding three years. ACTS of 1838.

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted, that whosoever shall, with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same), shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

ACTS of 1838.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall think fit, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn, or other grain, or pulse or sugar cane, whether standing or cut down, or to any part of a wood, coppice, or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall think fit, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling, or shrub, or any underwood, or of any pale, post, or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a magistrate or justice of the peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding 50 rupees, as to the magistrate or justice of the peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for such second offence, be imprisoned with or without hard labour, for such term not exceeding six calendar months as the convicting magistrate or justice of the peace shall think fit; provided always, that nothing in this section contained concerning the stealing of any property or malicious damage, injury, or spoil to or upon any real property of a private nature, shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting magistrate or justice of the peace), shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the magistrate or justice of the peace shall not be paid, either immediately after the conviction or within such period as the magistrate or justice of the peace shall at the time of conviction appoint, it shall be lawful for the convicting magistrate or justice of the peace to commit the offender to the common gaol or house of correction to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the magistrate or justice of the peace, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 50 rupees, and for any term not exceeding four calendar months when the amount with costs shall not exceed 100 rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

XXXIII. And

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise. ACTS of 1838.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding, either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security" in the said statute made and passed in the ninth year of the reign of his late Majesty King George 4th aforesaid, and that the term dwelling-house shall have the same construction as in the said statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property), shall on conviction be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned and kept to hard labour, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the court in its discretion shall seem meet, not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided, that it shall not be lawful for any court, under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

ACT No. XXXII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 10th December 1838.

I. IT is hereby enacted and declared, that all powers whatever in criminal cases, which by virtue of any law now in force may be exercised by two justices of the peace within and for the provinces, districts, and countries of Bengal, Behar, and Orissa, and within and for the presidency of Fort William, in Bengal, and places thereto subordinate, may be exercised by one such justice.

II. And it is hereby enacted, that it shall be lawful for any one such justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, c. 52, and every such warrant shall have the same force as if it were under the hands and seals of two such justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and warrants issued by one such justice of the peace, shall be deemed legal and valid as if the same had been exercised or issued by two such justices.

EAST INDIES.

ACTS of the GOVERNMENT of India, passed by the Honourable the PRESIDENT
of the COUNCIL of India in Council, for the Year 1839.

East India House,
8 February 1841.

Ordered, by The House of Commons, to be Printed, 11 February 1841.

ACTS of the Government of India.

ACT No. I. of 1839.

Passed by the Honourable the President of the Council of India in Council
on the 4th February 1839.

ACTS of 1839.

I. IT is hereby enacted, that from the 1st day of May next ensuing after the passing of this Act, all Regulations and parts of Regulations of the Bengal code, which give to any persons or class of persons authority, by virtue of any office held by them, to sell property distrained for the recovery of arrears of rent, shall, so far as they give such authority, be repealed:

II. And it is hereby enacted, that from the date aforesaid it shall be lawful for the collector or officer duly exercising the powers of a collector in each district subject to the Presidency of Fort William in Bengal, to appoint, by a sunnud under his signature and seal, in the terms of the Schedule appended to this Act, and conformably to such instructions as he may receive in that behalf, any person or persons to exercise the function of selling property distrained for the recovery of arrears of rent in each pergunnah or subdivision of his district; and to authorise such persons to remunerate themselves by deducting a per-centage, not in any case exceeding 10 per centum on the amount of the proceeds of the sale.

III. And it is hereby enacted, that all Regulations and parts of Regulations of the Bengal code which give powers to, or prescribe rules for the guidance of persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, or which assign any penalty or other punishment for misfeasance in the discharge of such duty, shall be applicable to all parties appointed for the sale of such property under this Act.

SCHEDULE.

I, A. B., collector of Zillah
(or exercising the powers of a collector), in
virtue of the powers vested in me by Act No. I. of 1839, appoint you C. D.,
commissioner for the sale of property distrained for the recovery of arrears of
rent, in the manner prescribed by the Regulations of Government. You are to
reside at E., in pergunnah F., and are to exercise the authority vested in you
by these Regulations, or by any others which may be hereafter transmitted to
you for guidance, in strict conformity thereto; and are to keep a regular
and complete record of your proceedings, to be produced when called for by
me, or by the courts of justice. You are hereby authorised to remunerate
yourself for your trouble by deducting and appropriating — per centum on
the amount of the proceeds of sale.

ACTS of 1839.

ACT No. II. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 4th February 1839.

I. IT is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any magistrate, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor-General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such magistrate; and if no such property shall be found within such jurisdiction, then it shall be lawful for every such magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 rupees, and for any term not exceeding four calendar months where the amount shall not exceed 100 rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor-General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the magistrate to impose any fine exceeding 200 rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor-General of India in Council, it shall be lawful for the magistrate, and he is hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared and enacted, that in this Act and in all Acts heretofore passed by the Governor-General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term "magistrate" shall extend to all "joint magistrates," "persons lawfully exercising the powers of a magistrate," and "justices of the peace."

ACT No. III. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 18th February 1839.

I. IT is hereby enacted and declared, that within the British territories under the government of the East India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, anything in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such court, shall be treated as invalid by reason of the place of birth, or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said territories no person whatever shall, by reason of place of birth, or by reason of descent, be, in any civil proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Courts of the Moonsiffs.

ACT No. IV. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 18th March 1839.

I. IT is hereby enacted, that if any person shall within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or the whole or any part of any pale, post or style, or any growing cultivated plant, root, fruit or vegetable production, or shall unlawfully and maliciously commit any damage, injury or spoil to or upon any real or personal property whatsoever of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall, for the first offence, forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding 200 rupees, as to the Court of Quarter Session shall seem meet, and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the Court of Quarter Session shall think fit.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed 200 rupees), shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence; provided always, that when several persons shall join in the commission of the same offence, and shall, on conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

III. And it is hereby enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either immediately after the conviction or within such period as the said court shall at the time of the conviction appoint, it shall be lawful for the said court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the said court, for any term not exceeding two calendar months, when the amount of the sum forfeited, or of the penalty imposed, or both (as the case may be), together with the costs, shall not exceed 50 rupees, and for any term not exceeding four calendar months when the amount, with costs, shall exceed 50 rupees but shall not exceed 100 rupees; and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, such person shall be released from all further or other proceedings for the same cause.

V. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

VI. And it is hereby enacted, that where the stealing of any property is by this Act punishable either for every offence or for the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof, in like manner as the principal offender, be liable, for every first and subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

ACTS of 1839.

VII. And it is hereby enacted, that the Court of Quarter Session established by the letters patent establishing the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, bearing date the 27th day of November 1826, shall sit for the purpose of hearing and determining matters made offences by this Act, at each station of the said settlements, not less frequently than once in 14 days; provided always, that no court shall be holden excepting in the presence of one of the judges of the Court of Judicature, and that no justice of the peace, being a proprietor or renter of a spice plantation or otherwise directly interested in the enforcement of the provisions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a station where such justice may be so interested.

ACT No. V. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 18th March 1839.

I. IT is hereby enacted, that it shall be lawful for any magistrate or justice of the peace of the settlements of Prince of Wales' Island, Singapore and Malacca to grant a warrant or warrants to any peace or revenue officer or officers of the said settlements, empowering him or them by day or by night (but if between the hours of 11 o'clock at night and five in the morning, then the warrant to be executed by or in the presence of a peace officer), to enter and search any dwelling-house, shop, or other building, in any case in which there shall appear to such magistrate or justice of the peace, upon the oath of any party, good and sufficient cause to believe that in any such dwelling-house, shop, or other building, there is deposited or concealed any article or articles the exclusive privilege of preparing or selling which has been farmed out to any party or parties whosoever by the East India Company, under Regulations Nos. II. III. IV. and V. of 1830, passed by the late Governor in Council of the said settlements of Prince of Wales' Island, Singapore and Malacca, and also under Regulation IV. of 1831, passed by the Vice-President in Council on the 18th of October 1831, and also under Regulations X. and XI. of 1833 respectively, passed by the Governor-General in Council on the 9th of September 1833, and to seize and take possession of any such article or articles as may be found so deposited or concealed therein, and it shall be lawful for any officer to whom any such warrant shall be granted, and he is hereby authorised in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure and removal as aforesaid.

II. And it is hereby enacted, that any person or persons found committing any act in contravention of any of the provisions of the said Regulations may be immediately searched without a warrant by any peace or revenue officer; provided always, that the person to be searched may demand to be taken before some neighbouring magistrate or justice of the peace, who shall determine if there be reasonable grounds of suspicion, and every such officer or officers as aforesaid is hereby authorised and required to take such person upon demand before a neighbouring magistrate or justice of the peace, detaining such person in the meantime; and if any person shall obstruct any such officer or officers in making any such search as aforesaid, every such person shall be subject, on conviction before a magistrate or justice of the peace, to a fine not exceeding 100 rupees, such fine to be commuted in case of non-payment to imprisonment for any period not exceeding three calendar months.

III. And it is hereby enacted, that if any peace or revenue officer shall maliciously and without reasonable grounds apprehend or detain any person or persons on the plea that such person or persons have infringed any of the provisions of any of the said Regulations, it shall be competent for any magistrate or justice of the peace to hear the complaint, and if necessary to adjudge the offending officer or officers to pay a fine not exceeding 100 rupees, such fine to be commuted, in case of non-payment, to imprisonment for any period not exceeding three calendar months.

IV. And

GOVERNMENT OF INDIA.

ACTS of 1839.

IV. And it is hereby enacted, that in case any officer committed under the preceding section shall have paid the sum adjudged to be paid by him, or shall have suffered the imprisonment awarded for non-payment thereof, every such officer shall be released from all further or other proceedings from the same cause.

V. And it is hereby enacted, that no peace or revenue officer of the said settlements shall be competent to act under the provisions of this Act, unless appointed specially so do in writing by the principal civil authority of the station where such peace or revenue officer may reside, which authority shall be duly registered at the police-office of the said station, and liable to be annulled at the pleasure of the said resident councillor.

ACT No. VI. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 18th March 1839.

I. THE existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the members of the said corporation have by their directors applied to the Governor-General of India in Council for the amendment thereof, by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor-General in Council having assented to such surrender, and to the continuance of the said corporation as hereinafter declared, it is hereby enacted, that from the 1st day of May next after the passing of this Act the Charter of the said Bank of Bengal bearing date the 29th May 1823, and the Acts No. XIX. of 1836 and No. XXIV. of 1838 relating thereto, shall respectively cease to have effect, and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the proprietors of the capital stock of the said Bank of Bengal, shall, notwithstanding the determination of the said Charter and Acts, continue to be a corporation, body corporate and politic, by the name of the Bank of Bengal, with perpetual succession to them and their successors, proprietors for the time being of the said bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of said Charter and Acts, shall immediately on the determination of the said Charter devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid, and that the said Bank of Bengal, so continued and incorporated as aforesaid, shall be subject to all debts, demands, claims and liabilities outstanding against the said bank at the time of such determination of its said Charter as aforesaid, and that no suit or proceeding at law or in equity then pending shall cease or abate in consequence of such determination of the said present Charter, and of such renewal and continuance of the said bank by virtue of this Act.

IV. And it is hereby enacted, that the said bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the directors of the said bank shall from time to time appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

V. And it is hereby enacted, that the capital stock of the said bank, as constituted under the said present Charter and Acts, shall, on the determination of the same by virtue of this Act, continue to be the capital stock of the said bank so renewed and continued as aforesaid; provided, however, that it shall be in the power of the Governor-General of India in Council from time to time,

ACTS of 1839.

by resolution notified in the Calcutta Gazette, to authorise the said capital stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the proprietors of the said bank for the time being, and allowing to them a period of not less than 12 months to fill up such subscriptions themselves, and likewise to prescribe in what manner and form the proprietors shall subscribe and pay into the said bank the proportions of new stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor-General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the capital stock of the said bank, which by the said Act No. XIX. of 1836 was fixed at 75 lakhs of rupees, divided into 1,875 shares of 4,000 rupees each, has, by the Resolution of the President of the Council of India in Council, issued and notified to the proprietors on the 17th October 1838, in conformity with Act No. XXIV. of 1838, been ordered to be increased by one-half, and whereas a book is now open for subscriptions, and payment is now being made of such increased capital in the manner and under the terms and conditions authorised in the said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council, it is therefore hereby enacted, that the capital stock of the said bank shall, on the said 1st May next, when this Act shall take effect for the re-incorporation of the said bank, consist of the said sum of 75 lakhs of Company's rupees, together with such further amount as shall on that date have been subscribed and paid into the Bank of Bengal under the order and notice referred to, and the further subscriptions and payments of capital authorised and ordered as abovementioned shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added to the capital stock of the bank as received, accordingly as is prescribed in the said order passed under the authority of the said Act; and the capital stock held by the Bank of Bengal on the said 1st May next, together with the further capital that may be subscribed and paid up as above, after that date shall be divided into shares of 4,000 rupees each, or into quarter shares of 1,000 rupees each, in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said capital that may be then registered in the name of the Governor-General of India in Council, shall be the property of the said Governor-General of India in Council for the time being, on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor-General of India in Council to that effect in the said order and notice; and the shares and quarter shares registered as belonging to individual proprietors shall continue to be the property of such proprietors, and the said proprietors shall respectively be in the proportion of their several interests proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subscription to fresh stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said bank by this Act notwithstanding.

VII. And it is hereby enacted, that no proprietor shall be allowed to increase his share in the capital stock of the said bank beyond the amount of one lakh and 60,000 rupees, excepting on occasion of the present or of any future increase being made to the capital stock of the said bank under the authority of the Governor-General in Council in the manner prescribed in sections V. and VI. of this Act, in which case any proprietor holding stock to the full amount of one lakh and 60,000 rupees, shall, notwithstanding, be entitled to subscribe to the increased capital stock in a rateable proportion; and excepting any addition to his interest in the said capital stock arises from succession, bequest, or marriage.

VIII. And it is hereby enacted, that a certificate signed by three directors of the said bank shall be delivered to the proprietor or proprietors of all the said shares of the capital stock of the said bank, upon demand made by the holder

holder of such share, and that any person who is a proprietor of more than one such share, may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares. ACTS of 1839.

IX. And it is hereby enacted, that the said share or shares of the capital stock of the said bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on such certificates thereof respectively, under the hand of the proprietor or proprietors, or his, her, or their attorneys duly authorised, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such endorsement, under the hand of an officer appointed for that purpose by the directors of the said bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said bank shall be managed by nine directors, of whom three shall be appointed and removable by the Governor-General of India in Council, and the remaining six shall be elected by a general meeting of the proprietors of the said bank, and removable by vote of the majority of a general meeting of the said proprietors.

XII. And it is hereby enacted, that the persons who, at the time of such determination of the said present Charter and Acts as aforesaid, shall be directors of the said bank, shall thereafter continue to be directors of the said bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six directors elected and to be elected by the said proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a general meeting of proprietors shall be held for the election of two directors in their stead; provided always, that any director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon; provided also, that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid, of any directors elected or to be elected by the said proprietors, the directors shall call a general meeting of the proprietors, to be held within 15 days, for the purpose of choosing a successor; and such successor shall come into the same place, in the rotation above mentioned, in which the director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a director, by election of the said proprietors, who shall not be proprietor in his own right, and unincumbered, of three shares of 12,000 rupees of the capital stock of the Bank of Bengal, or who shall be a director of any other bank issuing notes payable on demand within the town or suburbs of Calcutta.

XVI. And it is hereby enacted, that at general meetings of the proprietors, election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share of the said capital stock acquired by transfer or purchase, or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such general meetings the proprietors shall vote according to the following scale:—

1 share of 4,000 rupees shall entitle to 1 vote.	
5 - - ditto - - - - ditto - 2 votes.	
10 - - ditto - - - - ditto - 3 votes.	
15 - - ditto - - - - ditto - 4 votes.	

ACTS of 1839.

20 shares of 4,000 rupees shall entitle to 5 votes.

30 - - ditto - - - - ditto - 6 votes.

40 - - ditto - - - - ditto - 7 votes.

and no proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council to give a proxy in writing, signed by one of the secretaries to Government, to any person whom the Governor-General may appoint to attend any general meeting of the proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, excepting upon the election or removal of such directors as are elected by the said proprietors.

XIX. And it is hereby enacted, that any proprietor or proprietors entitled to vote at any general meeting may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney, duly authorised, to any other proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorised by the tenor of such proxy.

XX. And it is hereby enacted, that at the first meeting of the directors in every year, they shall choose a president from among themselves, and if the office of president shall become vacant, they shall at their next meeting choose a successor for the remainder of the current year; and that during any vacancy, or in the absence of the president, the senior director shall be vice-president for the time, and that such president or vice-president shall have the casting vote in all cases of an equal division of votes at meetings, either of directors or proprietors.

XXI. And it is hereby enacted, that the presence of at least three directors shall be necessary to form a board for the transaction of business, and that the said directors shall establish a weekly rotation among themselves, so that not less than three directors may attend every meeting of directors; provided always, that nothing herein contained shall be held to preclude any director from attending any meeting of directors.

XXII. And it is hereby enacted, that all accounts of the said bank, and all instruments not under seal, whereby the said bank can in any manner be bound, except the cash notes of the bank, shall be signed by three directors, and shall be of no validity unless so signed, and that the seal of the said bank shall not be affixed to any instrument except in the presence of three directors, who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless the deed by three directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said directors shall have power to appoint such officers as may be necessary to conduct the business of the said bank, and to remove any officer of the said bank, and to fix the salaries of such officers, provided that the whole expense of the establishment of the said bank shall not in any one year exceed 60,000 rupees, without previous authority from the general meeting of the proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of secretary, treasurer, head accountant, or khazanchee of the Bank of Bengal, shall engage in any other commercial business, either on his own account or as agent for any other person or persons, or act as a broker for the sale or purchase of Government securities; and that every person appointed to any one or more of the said offices shall give security to the directors for the faithful discharge of his duty, in the sum of 50,000 rupees.

XXV. And it is hereby enacted, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The discounting of negotiable securities.
2. The keeping of cash accounts.

3. Buying

3. Buying and selling of bills of exchange payable in India.
4. The lending of money on short loans.
5. The buying and selling of bullion.
6. The receiving of deposits.
7. The issuing and circulating of cash notes and bank post-bills.
8. The selling of property or securities deposited in the bank as security for loans and not redeemed, or of property or securities recovered by the bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the directors of the said bank shall discount no negotiable security and make no loan unless the amount of cash in possession of the said bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said bank, outstanding for the time being, and payable on demand.

XXVII. And it is hereby enacted, that the directors of the said Bank of Bengal shall not discount any negotiable securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any bank share, or certificate of shares, nor on mortgage, or in any other manner on the security of any lands, houses, or immovable property, nor on any negotiable security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government securities, or goods not perishable, as hereinafter mentioned,) beyond the amount of three lakhs of Company's rupees: provided always, that advances upon bills of exchange accepted by the Government, or upon other Government obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the directors of the said bank shall make no loan other than such loans as are described in the section next preceding, except on deposit of public securities to the full amount of the loan, and which public securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's rupees; provided always, that the holding of Government securities, or of bills of exchange drawn upon the Government, or of other Government acceptances or obligations derived to the said bank from individuals, and not overdue, shall not be construed as being in advance to the Government within the meaning of this section.

XXX. And it is hereby enacted, that the directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash with the said Bank of Bengal, to overdraw his, her or their account.

XXXI. And it is hereby enacted, that the said Bank of Bengal may issue promissory notes, payable either on demand or at a date not exceeding 30 days after sight, which notes shall and may be signed on behalf of the said bank by such person as the directors of the said bank may appoint or authorise in that behalf; provided always, that the total amount of such notes in circulation at any one time shall not exceed two crores of rupees; and provided also, that no such note shall be for a smaller amount than 10 rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said bank to make, issue, or negotiate any note, bill, or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the directors of the said Bank of Bengal to receive in deposit goods not of a perishable kind, and to contract for the safe keeping of the same.

ACTS of 1839.

XXXIV. And it is hereby enacted, that the directors of the said bank shall cause the books of the said bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said directors, shall be forthwith transmitted to one of the secretaries to the Governor-General of India in Council, and that the Governor-General of India in Council shall at all times be entitled to require of the said directors any information touching the affairs of the bank, and the production of any documents of the said bank, and that the said directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the directors of the said bank, on the ground of the actual profits made by the said bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that the said directors, subject to the control and sanction of the proprietors at their general meetings, shall have power when they see fit to set apart from such profits a sum not exceeding five per cent. on the capital stock of the bank, as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a general meeting of the proprietors of the capital stock of the said bank shall be held, at which the directors of the said bank shall submit to the said proprietors a statement of affairs of the said bank, made up to the preceding 30th of June, and such general meeting shall be competent to pass resolutions, and frame rules and directions relative to affairs and conduct of the said bank, which shall be binding on the directors and officers of the bank, and on the proprietors thereof, until rescinded or modified respectively by any subsequent general meeting.

XXXVII. And it is hereby enacted, that any three of the said directors of the said bank, or any 10 proprietors of the capital stock of the said bank, may at any time convene a general meeting of the proprietors, upon giving fifteen days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the directors of the said bank for the time being, as also by public advertisement in the Calcutta Gazette.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bengal, with the sanction of the Governor-General of India in Council, to establish branch banks at such places, and under such rules and restrictions as shall be determined by the proprietors at their general meetings; provided, however, that such branch banks when so established, besides being subject to the rules and restrictions that may be imposed by the proprietors, and to the control and orders of the directors of the bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters hereinabove referred to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said proprietors shall become indebted to the said bank, it shall be lawful for the said bank to withhold payment of the dividends on the share or shares of such proprietor registered as his or her own property, and not as held in trust, or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment and notice in that behalf given either to such proprietor, or his or her constituted agent, or by public advertisement in the Calcutta Gazette, it shall be lawful for the said bank to refuse registration of the transfer of any such share or shares of such proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietor, or to his or her lawful representative.

XL. And

XL. And it is further enacted, that the said bank shall continue as hereby constituted until the 1st day of May, which will be in the year of Our Lord 1846, and shall thereafter continue in like manner until duly dissolved or modified; provided, however, that after the said 1st day of May 1846, the said bank shall not, except upon the application or by the consent of the proprietors of the said bank, be dissolved, or anywise modified without previous notice of 12 months at the least being given to the directors of the said bank for the time being of such intended dissolution or modification; provided also that in the event of the said bank at any time suspending cash payments, the benefits granted to the said bank by the present Act of Incorporation shall be thenceforth forfeited.

ACTS of 1839.

ACT No. VII. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 18th March 1839.

I. IT is hereby enacted, that from the 1st day of May in the year of our Lord 1839, section XXIII. of Regulation XXVIII. of 1802, of the Madras code, shall be repealed, and all commissions whereby commissioners for the sale of distrained property may have been appointed under the provisions of that section shall be annulled.

II. And it is hereby enacted, that from the said day all tahseeldars within the territories subject to the Presidency of Fort St. George shall be vested with the powers of commissioners for the sale of property distrained for arrears of rent or of revenue, and shall be subject to all rules and provisions to which by any law or regulation such commissioners are subject.

III. Provided always, that in respect of the exercise of those powers tahseeldars shall be subject to the control and superintendence of the collector, and shall not be subject to the authority of the zillah judge, except in the case of any judicial proceedings.

IV. Provided also, that tahseeldars shall be subject to the same liabilities, in respect of the exercise of the said powers, to which they are subjected by section X. Regulation IX. of 1822 of the Madras code, in cases in which they conduct sales under the provisions of that Regulation.

V. Provided also, that tahseeldars shall not be entitled to any fee or commission for selling such distrained property; but that all fees or commission which may be now lawfully taken by commissioners for the sale of such distrained property shall be taken and carried to the account of Government.

VI. And it is hereby enacted, that tahseeldars shall have authority, subject to the orders of the collector, to delegate the powers vested in them by the second section of this Act to any public servants placed under their authority; and that the provisions of the three last preceding sections of this Act shall apply to all public servants to whom those powers shall have been so delegated, in the same manner as they apply to tahseeldars.

ACT No. VIII. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 8th April 1839.

IT is hereby enacted, that the following villages, lately comprising the jagheer of Chinchnee, now lapsed to Government, shall, from the time of passing this Act, be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Pergunnahs Gokak and Anwal.

The two following villages of the purgunnah Terdal; viz.

1. Moja Sunkurhute.
2. Moja Kowtkope.

ACTS of 1839.

The two following villages of the purgunnah Yadwad; viz.

1. Moja Hoolkoond.
2. Moja Boodnee.

The two following villages of the purgunnah Gudee Kokutnoor:

1. Moja Jhoonjurwad.
2. Moja Nundeshwur.

The village of Moja Kutkeree of the purgunnah Utnee.

The village of Moja Chikpudsulgee of the purgunnah Bidree.

The village of Moja Oomruj of the purgunnah Burdole.

The four following villages of the Prant Meruj; viz.

1. Kusba Ashta Kuryat Ashta.
2. Moja Dhamnu } Kurryat Tasgaon.
3. Moja Dhowlee } Kurryat Tasgaon.
4. Moja Sumdolee Kurryat Sanglee.

The four following villages of the Prant Raibaug; viz.

1. Thana Chinchnee } Kurryat Nandre.
2. Moja Umnapoor } Kurryat Nandre.
3. Kusba Eksumbe } Kurryat Eksumbe.
4. Moja Bhoj } Kurryat Eksumbe.

The two following villages of the Prant Punnala; viz.

1. Moja Koondul } Turf Valve.
2. Moja Poonudee } Turf Valve.

The village of Ingulgee of the Koongol purgunnah within the Dharwar Collectorate.

The three following villages of the Patoda purgunnah within the Amednuggur Collectorate:

Moja Singnapoor.

Half of Moja Godegaon.

Half of Moja Kaslee.

The village of Hoondee Goonda of the purgunnah of Terdal.

The village of Moja Sooltanpoor of the purgunnah of Terdal.

ACT No. IX. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 15th April 1839.

I. IT is hereby enacted, in addition to the rules already in force for instituting suits *in forma pauperis*, that no person shall be hereafter entitled to institute any suit *in forma pauperis*, in any civil court of judicature within the ~~XXXX~~ territories subject to the Presidency of Fort William in Bengal, unless the court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath), that there is probable cause for instituting the suit.

II. And it is hereby enacted, that in all suits instituted *in forma pauperis* the pleadings on the part of the defendant as well as all papers filed on his part on which a stamp is required by Schedule (B.) of Regulation X. of 1829 of the Bengal code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper; and the defendant shall not be required to deposit vakeel's fees; provided always, that on the conclusion of the suit the court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted *in forma*

formâ pauperis, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable. ACTS of 1839.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted *in formâ pauperis*, in any of Her Majesty's courts of justice.

ACT No. X. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 15th April 1839.

I. IT is hereby enacted, that whoever, within the settlements of Prince of Wales' Island, Singapore or Malacca, wages war against the government of any power in alliance or at peace with the government of the territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy or aid in supplying or selling arms, equipments or otherwise, knowingly abets the making of any preparation to commit depredations on the territories of any such power, shall be guilty of felony, and be liable to transportation for any term not exceeding 14 years, or to imprisonment with or without hard labour for any term not exceeding 10 years.

II. And it is hereby enacted, that whoever, within the settlements aforesaid, shall receive any property, such person knowing the same to have been taken from the territories of any power in alliance or at peace with the government of the territories of the East India Company, in the prosecution of such war or depredation as aforesaid, shall be guilty of felony, and be liable to transportation for any term not exceeding 14 years, or to imprisonment with or without hard labour for any term not exceeding 10 years.

ACT No. XI. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 22d April 1839.

I. IT is hereby enacted, that from the time of the passing of this Act, no stamp duty or institution fee shall be payable in respect of any proceeding in any appeal, or in respect of any paper or copy of any paper necessary for any appeal from any court of the East India Company to Her Majesty in Council.

ACT No. XII. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 29th April 1839.

I. IT is hereby enacted, that from the 1st day of January in the year of our Lord 1840, Regulation I. of 1827, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca, shall be repealed.

II. And it is hereby enacted, that from the day aforesaid, an assessment shall be levied on all dwelling-houses, and other buildings within the limits of the towns of George Town, Singapore and Malacca, according to the real annual values thereof, at a rate not exceeding 10 per cent. of such annual values.

And it is hereby enacted, that from the day aforesaid an assessment levied on all property of the nature described in the foregoing section, shall be situated beyond the limits of the aforesaid towns of George Town, Singapore and Malacca, at a rate not exceeding five per cent. on the rent or value thereof.

Provided always, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than six Spanish dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

ACTS of 1839.

V. And it is hereby enacted, that it shall be competent to the chief civil officer in authority, within the incorporated settlement of Prince of Wales' Island, Singapore and Malacca, to fix the limits of the aforesaid towns, in order to the determination of the rates of assessment leviable under this Act.

VI. And it is hereby enacted, that all religious edifices, hospitals, cemeteries, and buildings strictly and exclusively appropriated to charitable purposes, shall be exempted from assessment under this Act.

VII. And it is hereby enacted, that all houses, bungalows and other buildings, situated within the limits of any military cantonment, and occupied by European or Native officers, soldiers or sepoy, shall be exempted from assessment.

VIII. And it is hereby enacted, that a tax shall be levied on all carriages, carts and cattle in use within the incorporated settlement of Prince of Wales' Island, Singapore and Malacca, at the following rates:

- On every four-wheeled carriage Spanish dollars 10 per annum.
- On every two-wheeled carriage Spanish dollars eight per annum.
- On every cart drawn by any description of draught cattle Spanish dollars six per annum.
- On every horse, mare, gelding, pony or mule Spanish dollars two per annum.

IX. And it is hereby enacted, that the chief civil officer in authority in the Straits, under instructions from the Governor of Bengal, shall have power to appoint such officers as may be deemed requisite for the collection of the assessment and taxes leviable under this Act, at the stations of Prince of Wales' Island, Singapore and Malacca, and the officers so appointed shall, in the execution of their duty, be subject to the same responsibility as would attach to them if they were employed in the collection of the land revenue.

X. And it is hereby enacted, that if payment of the aforesaid assessment and taxes be not duly made, the officers appointed to collect the same shall certify in writing such non-payment to any justice of the peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for distraining the amount on any goods and chattels, to whomsoever belonging, in or upon the dwelling-houses and other buildings respectively charged, or for distraining any person charged, by his goods and chattels, or both, and for selling every such distress; and the overplus, after deducting the expenses, shall be paid to the owner of the goods and chattels distrained.

XI. Provided always, that it shall be competent to the officers appointed to collect the aforesaid assessment and taxes, in lieu of proceeding against defaulters by warrant of distress, to sue for the recovery of arrears through any court of justice to which defaulters may be amenable.

XII. Provided also, that if any party, from whom payment of the assessment or taxes leviable under this Act may have been demanded, objects to the demand, either on the ground of surcharge or by reason of claim to the exemption or abatement under any of the foregoing provisions, it shall be competent to such party, after payment of the amount demanded, to appeal against such demand to the justices of the peace sitting in general quarter sessions at the station where such party resides, and the said justices shall have power to hear and decide on such appeal and to pass such order thereon as may seem just.

XIII. And it is hereby enacted, that out of the funds collected from the assessment and taxes leviable under this Act, provision shall be made, conformably with such instructions as may from time to time be issued by the Governor of Bengal, for the efficient watching, cleansing, lighting and repairing of the streets and thoroughfares in the towns of George Town, Singapore and Malacca, and for the making and repairing of roads and bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated settlement aforesaid.

XIV. And it is hereby enacted, that as soon after the 1st day of January in each year as may be found practicable, the officer collecting the assessment and taxes under this Act at each of the three stations of Prince of Wales' Island, Singapore

Singapore and Malacca, shall prepare a detailed statement, exhibiting the sums collected under the several heads of cesses and taxes during the preceding year, and showing also the disbursements which have been made during the same period on account of the various purposes enumerated in this Act.

ACTS of 1839.

XV. And it is hereby enacted, that the statement, prepared in the manner aforesaid, and duly attested by such officer as last-mentioned, shall be published at the station to which it relates, in a newspaper; and if such station have no newspaper, the publication shall be made in some other newspaper of extensive circulation published within the incorporated settlement of Prince of Wales' Island, Singapore and Malacca. And the said statement shall also be open to general inspection at the office of such officer, for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the officers appointed to collect the assessment and taxes leviable under this Act, shall, in the conduct of their duties, be subject to the general superintendence and control of the chief civil authority residing in the aforesaid incorporated settlement.

XVII. And it is hereby enacted, that the officer superintending the police at each of the stations of Prince of Wales' Island, Singapore and Malacca, between the 1st and 15th day of January in each year, shall require the owners of all palanquin carriages, carts and other vehicles, kept in such station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such vehicles in a register to be kept for that purpose at the police office. And every owner of a palanquin carriage, cart, or other vehicle, subject to such registration, who shall omit to enter such vehicle at the police office, in the manner required by this Act, shall, on conviction before a justice of the peace, forfeit for each offence a sum not exceeding 20 Spanish dollars, with costs of suit, which forfeiture shall on non-payment be recoverable by warrant of distress and sale under the hand of the convicting justice of the peace; and the overplus of the goods and chattels sold, after deducting the expenses, shall be paid to such owner.

XVIII. And it is hereby enacted, that the assessment and taxes leviable under this Act shall be paid half yearly in advance, and that the said assessment shall be charged on the dwelling-houses and other buildings respectively assessed, and on the respective owners and occupiers thereof, at the time of such assessment, and that the said taxes shall be charged on the owners of the respective cattle, carriages, carts, or other vehicles subject to such taxes.

XIX. And it is hereby enacted, that every owner of a registered vehicle who shall neglect to place in a conspicuous part of such vehicle a numbered board, which shall be furnished to him by the registering officer, shall, on conviction before a magistrate, forfeit the sum of five Spanish dollars for each offence, with costs of suit.

XX. And it is hereby enacted, that when any change in the occupation of any dwelling-house, or other building assessed, shall take place within the year after such assessment as aforesaid, then such assessment may be levied in manner aforesaid as well upon the dwelling-house or other building respectively charged, as upon the goods and chattels of the occupiers thereof according to their respective periods of occupation, without any new assessment.

XXI. And it is hereby enacted, that the owner of any dwelling-house, or other building assessed, which is not let to any tenant, shall be deemed the occupier thereof; provided always, that if such owner can show that the premises have not been inhabited or used for a period of three months or upwards in any year, he shall be entitled to a proportionate abatement of assessment levied on the same for the said year.

XXII. And it is hereby enacted, that no assessment or charge made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment or tax, or of any thing chargeable with assessment or tax, or any mistake in the amount of the assessment or tax charged, provided the directions of this Act be in substance and effect complied with.

ACTS of 1839.

ACT No. XIII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 20th May 1839.

I. IT is hereby enacted, that the several charges of the port and roadstead of Madras, levied under the heads of anchorage duty, lighthouse duty, regular boat hire, and report catamaran hire, shall from and after the 1st day of August next be consolidated and commuted into a port duty, to be levied at the rate of three annas per ton upon every vessel, not being a vessel sailing under the colours of a foreign European or American nation, of which the tonnage shall not exceed 700 tons by measurement, made in the manner prescribed by Act 5 & 6 of Will. 4, c. 56, and if the vessel exceed 700 tons by measurement so made, the port duty shall be levied as upon that tonnage.

II. And it is hereby enacted, that upon every vessel sailing under the colours of a foreign European, or American nation, that may anchor in the port of Madras, there shall be levied a consolidated port duty at the rate of three annas six pie per ton, according to measurement made in the manner above prescribed.

III. And it is hereby enacted, that if any vessels, British, Native or Foreign, anchoring in the port of Madras, shall not break bulk therein, and shall not remain four complete days from the time of dropping anchor, there shall be levied upon such vessels reduced duties as follows: that is to say, two-fifths of the tonnage duty prescribed above shall be levied upon every vessel which without breaking bulk, shall after anchoring therein sail again out of the port within 48 hours, and seven-tenths upon every vessel which without breaking bulk shall stay more than 48 hours and less than four complete days.

IV. And it is hereby enacted, that all powers and authorities, penalties and other means whereby the payment of any of the charges of the port and roadstead of Madras may have been legally enforced before the passing of this Act, shall be applicable to the enforcing of the consolidated and commuted port duties imposed by virtue of this Act.

V. And it is hereby enacted, that it shall be lawful for the Government of India to order the consolidation and commutation of any port or harbour duties, as levied in any subordinate port of any presidency, into a tonnage duty, which shall be leviable at the rate and in the manner specified in the next following section of this Act, upon the vessels anchoring in and trading with such port.

VI. And it is hereby enacted, that when the Governor-General of India in Council shall direct the port duties to be commuted and consolidated at any port of the Madras Presidency, other than that of Madras, or at any subordinate port of any other presidency, the total amount levied at such port shall not exceed one anna per ton for British and native vessels not exceeding 700 tons, and upon vessels exceeding that measurement at the rate for 700 tons, and upon foreign European and American vessels, at the rate of one anna four pie per ton; and all vessels anchoring in any such outports shall be charged with reduced duty, in the proportions above provided for the port of Madras, if they leave such port without breaking bulk before completing four entire days from the time of anchoring therein.

VII. And it is hereby enacted, that the consolidated and commuted port duties above prescribed, when ordered to be levied in any port by the Governor-General of India in Council, shall be levied by the officer appointed by the government of the presidency within which the port is situate to give port clearances or other customary documents to vessels sailing from such port, that is to say, by the master attendant, or by the collector of customs at such port, as may be ordered by such government, and if such duties be not paid upon demand, it shall be competent to such officer to withhold from the vessel on account of which payment may be refused, any port clearance or other customary document required to be possessed by ships leaving such port, until the same shall be paid.

VIII. And it is hereby enacted, that all the powers and authorities, penalties and other means by which any port or harbour duty of any subordinate port

port of any presidency which shall be consolidated and commuted by virtue of this Act, may have been legally enforced before the consolidation and commutation thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties at such port imposed by virtue of this Act.

ACTS of 1839.

ACT No. XIV. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 27th May 1839.

I. IT is hereby enacted, that Acts No. XXXII. of 1837 and No. V. of 1837 be repealed on the 1st day of July next.

II. And it is hereby enacted, that on and after the said 1st day of July next, every person who shall make with any native of India any contract for labour to be performed in any British or foreign colony without the territories of the East India Company, or who shall knowingly abet or aid any native of India in emigrating from the said territories for the purpose of being employed as a labourer, shall be liable, on conviction before a magistrate or justice of the peace, to a fine not exceeding 200 rupees for every native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a menial servant only, or who shall embark as such menial servant.

ACT No. XV. of 1839.

Passed by the Honourable the President of the Council of India in Council, on the 10th June 1839.

I. IT is hereby enacted, that if any person on or after the day on which this Act will come into operation, as hereinafter provided, lands or attempts to land in any part of the territories subject to the government of the Presidency of Fort St. George, any foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, such sugar shall be seized and confiscated by the collector of the customs, or by any other officer thereunto authorised by the Governor in Council of the said Presidency; provided always, that sugar which is the growth of any part of the Presidency of Fort William in Bengal into which foreign sugar, and sugar which is the growth of any British possession into which foreign sugar may be legally imported, be prohibited from being landed; may, during such prohibition, be landed in the said territories as heretofore.

II. And it is hereby enacted, that if any person being in possession of sugar, the produce of the said territories, desires to obtain a certificate of origin from the collector or assistant collector of the land or custom revenue of any district within the said territories, or from any other officer appointed by the Governor in Council of Fort St. George to give such certificates, such person shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the schedule hereunto annexed, marked (A.)

III. And it is hereby enacted, that the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the Schedule hereunto annexed, marked (B.)

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of customs at that place, or to any other officer who may have been appointed by the Governor in Council of Fort

St. George, to act on such occasions instead of the collector of customs, a certificate such as is above described, and also in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (C.)

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last mentioned form shall have been so made and subscribed, shall grant to the person who has made the last mentioned declaration a certificate in the form contained in the Schedule hereunto annexed, marked (D.)

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding 5,000 rupees, and imprisonment, with or without hard labour, for a term not exceeding two years.

VII. And it is hereby enacted, that this Act shall come into operation at the expiration of one year after the passing of this Act.

I, A. B., solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the produce of this district of

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.

The day of }
18 . } (signed) A. B.

1, *A. D.*, collector of land revenue (or collector of custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for this district of _____, do hereby grant this certificate, under my hand and seal, that the sugar hereunder described is of the produce of this district of _____, and that the importation of foreign sugar, and of sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district of _____.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

(L. S.) (signed) C. D.

I, E. F., shipper of the sugar hereinunder described, solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

Description

Description of the Sugar to which the Declaration relates.

ACTS of 1839.

Quantity.	Quality.	Number and Denomination of Packages.	Name of Ship in which the Sugar is shipped or to be shipped.	Name of the Master of the Ship.

(signed) E. F.

(D.)

I, G. H., collector of customs (or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the port of
certify, under my hand and seal, that there has been produced to me by E. F., the shipper of the sugar hereinunder described, a certificate, under the hand and seal of C. D., collector of land revenue, (or collector of custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf), for the district of
, in the territories subject to the government of the Presidency of Madras, which certificate certifies that the said sugar is the produce of the said district, and that the importation of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

(L. S).

(signed) G. H.

ACT No. XVI. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 10th June 1839.

I. IT is hereby enacted, that from the 1st day of January, in the year of our Lord 1840, the following rules shall be in force for regulating the assessment and collection of the rents payable to Government in the settlements of Prince of Wales' Island, Singapore and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last section of this Act, shall hold or occupy any land within any of the settlements aforesaid, not under a grant or title from Government, duly registered, and which land has not been declared, by competent authority, free from assessment, such land shall be liable to assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the collector acting under the instructions of the Governor of Bengal shall determine.

III. And it is hereby enacted, that if any person holding or occupying land in the manner set forth in the preceding section shall refuse to engage for or to remove from the land within one month from the date on which he shall be called upon by the collector to enter into such engagement, or so to remove from it, by a written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the premises, it shall be lawful for the said collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part of Government, to be disposed of in such manner as the Governor of Bengal may direct; provided that no

ACTS of 1839.

person so holding or occupying land who has filed or shall file his claim to exemption from assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the collector until his claim shall have been determined by competent authority.

IV. And it is hereby enacted, that all magistrates and police officers shall aid and assist the collector and his officers in the due exercise of the power of ejectment conferred upon the said collector by the foregoing section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in such resistance, shall, on conviction before a magistrate, be punished by fine not exceeding 1,000 rupees, or in default of payment of the fine, by imprisonment not exceeding six months.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the settlements aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of agriculture, shall make application to the collector of land revenue, who is hereby authorised to measure and assess the land, and to grant a lease for the same, in such manner, and under such conditions, as the Governor of Bengal may from time to time prescribe; and if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the collector to issue to such applicant a permit or written authority, of which the number, date, and all essential particulars shall be entered in a register to be kept for that purpose, to clear and occupy such land, subject to the conditions on which a lease would have been granted; and on all land occupied under any such permit so issued, it shall be lawful for the collector to demand and enforce the payment of rent in like manner as if a regular lease had been granted; and the collector shall, with all practicable dispatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof a lease shall be issued, the term of which shall commence from the date of the permit: provided, however, that it shall not be competent to a collector to grant any lease of lands for a term exceeding 20 years, renewable on such conditions as the Governor of Bengal may direct for a further period of 30 years.

VI. And it is hereby enacted, that upon granting any lease under the provisions of the foregoing section, the collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the collector, to be certified by him on the back or other part of the lease, before the lease shall take effect; and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in substantial repair; and if it shall be proved to the satisfaction of the collector, that, notwithstanding this condition, such landmarks have not been kept in good repair, it shall be competent to the collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents; and the collector or his officers shall at all times have the right of free access to such land for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in the manner provided in the IV. section of this Act.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in section V., for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the settlements aforesaid, shall be forwarded by the collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

VIII. And it is hereby enacted, that every lease granted under the provisions of this Act shall be signed by the collector for the time being, and shall specify the name of the leaseholder, the quantity and boundaries of the land included in

in the lease, and the rate of rent to be paid per acre per annum; which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a register to be kept in the collector's office for that purpose.

ACTS of 1839.

IX. And it is hereby enacted, that it shall be lawful for the collector to accept, on the part of Government, any surrender of a grant or lease by the parties interested in the same, for the purpose of subdividing the same, and to re-grant or lease the same in parcels; provided that no such subdivision shall be allowed unless all arrears of rent, under the original grant or lease, are paid up, and provided that on no one portion of a grant or lease so subdivided shall a less rent than one rupee per annum be leviable.

X. *Clause 1.*—And it is hereby enacted, that whenever the rent of any grant or lease from Government of land within any of the settlements aforesaid shall fall due, payment thereof shall be made by the holder or occupier of the land at the office of the collector, or to such person as shall be authorised to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Clause 2.—When an arrear of rent shall have become due, the collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within 15 days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause 3.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause 4.—For the service of the aforesaid notice one rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause 5.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the collector to issue an attachment, and to seize, by virtue of such attachment, as well the personal property of the holder or occupier, as also any effects or any crops, to whomsoever belonging, which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction, at the collector's office or elsewhere, five days' previous notice of such sale being stuck up at some conspicuous spot, and at the place where it is intended to bring the crop, or other property, to sale.

Clause 6.—The attachment shall be made by an officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached, and take an inventory thereof; and it shall be competent to the said officer to require the assistance of the police in case of resistance to his authority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause 7.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not, two rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause 8.—If an arrear of rent, due as aforesaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the second clause of this section, it shall be lawful for the collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Clause 9.—An advertisement shall be stuck up for not less than 20 days before the sale, in the collector's office, and in a court of justice situated near to the land, specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions

ACTS of 1839.

conditions thereof. The sale shall be conducted by public auction, in the presence of the collector, the highest bidder shall be declared the purchaser, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase-money, the purchaser shall receive from the collector a title-deed corresponding in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent demandable, the date from which its payment is to commence, and other necessary particulars; and the collector shall forthwith put the purchaser in possession of the land so transferred, requiring for that purpose the aid of the police, if needful. The collector shall notify in the most public manner the result of the sale, the conveyance of the title and right, which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fraudulent intent offering for sale, transfer, mortgage, or otherwise making use of any such grant or lease, or of any lease, incumbrance or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a magistrate, be punished by a fine not exceeding 500 rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the collector or the officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in section IV. of this Act.

Clause 10.—It shall be lawful for the collector before the payment of any surplus to deduct, as part of the costs incurred by the sale, two rupees for the advertisement, and one per cent. on the net proceeds of the sale authorised by the foregoing clause, to be carried to the credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Clause 11.—Any person having an interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such sale by payment of the rent in arrear, together with interest and all legal expenses incurred, to the collector, who, upon such payment, shall desist from and withdraw all legal proceedings.

Clause 12.—Provided, that the summary process authorised by any of the clauses of this section, shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause 13.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or in the event of the land being advertised for sale at any time before the sale thereof, to represent his objections to such demand, attachment or sale, to the collector; and if the collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any civil court competent to take cognizance of his complaint; and the court, after hearing the collector's answer, and making such further inquiry as may be necessary, during which the sale of any such crop, property, or land shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjudge the costs and charges of the suit, or such portion thereof as may be just and proper, to be paid by the party cast.

Clause 14.—Provided, that in the case mentioned in the last clause, no sale of crops, or of personal property, or of land, shall be stayed unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the civil court, deposit therein, or at the collector's office, the whole amount of the arrears of rent demanded, together with interest, and legal expenses incurred, or unless such party shall give substantial security to the satisfaction

satisfaction of the civil court for making good the award that may be ultimately passed in the case. ACTS of 1839.

XI. *Clause 1.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the 1st day of January in the year of our Lord 1840, shall be registered under the following rules.

Clause 2.—The party claiming by right of transfer or succession shall attend at the collector's office, either in person or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, which must be made out in the English language, and according to a form which will be found in the collector's office, or in case of successions, the probate or letters of administration, together with the original will, if any, or a copy thereof, after which notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the register, in a clear and distinct form.

Clause 3.—No mutations of title to lands shall be registered until the collector shall have satisfied himself that the boundaries of the lands have been distinctly defined by convenient and substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such lands wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the collector; the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisions of this Act. And the holders or occupiers of such lands are required to admit free access to the same by the officers of Government, for the purpose of inspecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such officers, shall be liable to the penalties prescribed in section IV. of this Act.

Clause 4.—It shall be lawful for the collector to demand and receive, on the part of Government a fee, to meet the charges attending the registry, of four rupees, and or one rupee for inspecting the register, and of two rupees for granting a certified extract from the register.

Clause 5.—The registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify, or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land which may be executed after the 1st day of January in the year of our Lord 1840, shall be admitted to be valid by the officers of Government, or be received in evidence as a legal instrument by any court of judicature, unless the same shall have been registered in the collector's office in the manner directed by this section, nor shall any probate or letters of administration be received as evidence of title to land until so

and it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one-tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

ACT No. XVII. of 1839.

Passed by the Honourable the President of the Council of India in Council
on the 1st July 1839.

IT is hereby enacted, in modification of so much of sections VI. and XIV. of Act No. XVII. of 1837 as provides that postage duties shall be levied at the rates set forth in Schedules (A.) and (B.) appended to the said Act, that it shall

ACTS of 1839.

be competent to the Governor-General of India in Council, by an order and notice to be published in the Government Gazettes of the several presidencies of India, to authorise the levy of postage duties at rates different from those severally specified in the Schedules (A.) and (B.) annexed to Act XVII. 1837, and to publish revised schedules from time to time to give effect to such modifications; provided always there be no increase made thereby in any particular of the rates prescribed in the said Schedules (A.) and (B.), and likewise to fix the time when the levy shall commence to be made at such modified rates, and to cancel or modify any order and notice so issued, by further similar order and notice, and the said revised schedules of rates shall, for so long as may be so ordered and notified, be of the same effect and validity as the Schedules annexed to the said Act.

ACT No. XVIII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 15th July 1839.

IT is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits, anything contained in any Regulation or Regulations to the contrary notwithstanding.

ACT No. XIX. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 22d July 1839.

IT is hereby enacted, in modification of clause 5, section XIII. of Regulation XIII. of 1827, of the Bombay code, that all sentences passed by an assistant session judge whereby a convict is liable to imprisonment for a period exceeding two years shall, before they are carried into execution, be confirmed by the session judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdaree Adawlut in clause 2 of the section and Regulation aforesaid, and it shall not be necessary to refer any such case to the Sudder Foujdaree Adawlut.

ACT No. XX. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 29th July 1839.

I. IT is hereby declared and enacted, that it shall be lawful for the Governor in Council of Bombay to issue orders prohibiting the levy of hucks and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued, or of any orders which conformably with this Act hereafter shall be issued by the Governor in Council of Bombay for prohibiting the levy of any such hucks, or fees, customs, or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any court of law.

III. And it is hereby enacted, that whoever shall levy any such huck, fee, customs, or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, section 16, of the Bombay code, notwithstanding the offender be not a revenue officer of Government.

ACT No. XXI. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 26th August 1839.

An Act for the Trial of Prisoners, charged with the commission of certain
Petty Offences in the Town of Calcutta and on the River Hooghly.

I. WHEREAS it is expedient to make further provision in regard to such charges of felony as have been usually determined by justices of the peace, under the authority of the bye-laws for the town of Calcutta, by preventing, as far as is consistent with the attainment of justice, any delay of trial, or inconvenience to prosecutors, witnesses and jurymen, by limiting the powers heretofore exercised by such justices, and by subjecting their proceedings upon convictions for felony to more regular control and revision: and whereas it is also expedient to provide the like remedy in cases of assaults committed in certain parts of the river Hooghly, without the limits of the town of Calcutta, as hath been provided in cases of assaults committed within such limits.

It is, therefore, hereby enacted, that it shall not be lawful for any justices or justice of the peace to sentence any person charged with the commission of any felony within the town of Calcutta, or with the possession of stolen property within the same town, by virtue of any bye-law for the town of Calcutta, or by virtue of such bye-law and under Act IV. of 1835, or otherwise than according to the provisions of this Act; and the 6th section of a certain rule, ordinance and regulation, entitled, a Rule, Ordinance and Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 26th day of July in the year of our Lord 1814, and registered in the Supreme Court on the 11th day of November in the same year, is hereby repealed.

II. And it is hereby declared and enacted, that all persons charged with the commission of simple larceny within the town of Calcutta may be tried by any justice of the peace for the said town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such justice, exceed 20 rupees.

III. And it is hereby provided, that such justice of the peace shall not have power to sentence any such person to be imprisoned, with or without hard labour, for a longer period than six calendar months, or to be transported.

IV. And it is hereby provided, that it shall be lawful for a justice of the peace before whom any person is charged with the commission of simple larceny, at his discretion, instead of trying such person himself, to commit such person for trial before Her Majesty's Supreme Court of Justice in Calcutta.

V. And it hereby enacted, that every such justice, after trying any offender charged with the commission of a simple larceny, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:

Be it remembered, that on the _____ day of _____ in the
Year of our Lord _____ at Calcutta, A. B.
is (acquitted, or convicted) before me J. P., a justice of the peace for the town
of Calcutta, on a charge of simple larceny, for that he the said A. B. did feloniously (here specify the alleged offence and the time and place when and where the same was committed, as the case may be), and I, the said J. P. believe the value of the property stolen to amount to a sum not exceeding 20 rupees, that is to say — rupees; and I, the said J. P. adjudge the said A. B. (here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be).

Given under my hand, the day and year first above named.

(signed) _____

VI. And it is hereby enacted, that once at least in every term, and oftener if required by Her Majesty's Supreme Court of Justice at Calcutta, every such

ACTS of 1839. justice shall transmit to Her Majesty's said Supreme Court of Justice all judgments, whether of acquittal or conviction, passed by him, together with the depositions and examinations of the witnesses and prisoners, there to be kept by the proper officer among the records of the court.

VII. And it is hereby enacted, that upon the trial of any prisoner for simple larceny as aforesaid, every such justice of the peace shall require the witnesses against and on behalf of the prisoner to be sworn, or to make solemn affirmation in cases where an affirmation is by law permitted in the place of an oath, and shall cause the depositions of the witnesses and the examination of the prisoner to be reduced into writing, and every such deposition and examination shall be signed by such justice.

VIII. And it is hereby enacted, that upon the trial of any person charged with the commission of simple larceny before any such justice of the peace as aforesaid, if any person being duly summoned by such justice shall refuse to attend as a witness, or to give evidence, he shall be liable to be punished by Her Majesty's Supreme Court of Justice at Calcutta in like manner as if he had refused to attend as a witness, or to give evidence before Her Majesty's said Supreme Court of Justice.

IX. And it is hereby enacted, that upon any conviction for simple larceny as aforesaid, the justice of the peace before whom any person shall be so committed shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same, a fine not exceeding 20 rupees, and in default of payment to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month, unless the property be sooner restored.

X. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any merchant ship employed on sea voyages in the River Hooghly, or the mouths thereof, being part of the territories of the East India Company, may be tried before any such justice of the peace, and on conviction shall be liable to be punished by a fine not exceeding 100 rupees, to be levied and enforced in manner provided by Act II. of 1839; and all the provisions of this Act made in the case of charges of simple larceny shall, as far as they are applicable, be applied in the case of such charges of assault or battery as aforesaid.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to take away the remedy of any person aggrieved, by the conviction of any justice of the peace, through the means of the writ of certiorari.

ACT No. XXII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 9th September 1839.

An Act for enabling Persons charged with Offences to make their Defence more effectually.

I. WHEREAS it is expedient to extend to the territories under the government of the East India Company the provisions of the statute 6 & 7 Will. 4, c. 114.

It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's courts of justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by counsel learned in the law, or by attorney in Her Majesty's courts of justice where attorneys may practise as counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a magistrate or justice of the peace, exercising jurisdiction within the limits of any of Her Majesty's supreme courts, persons accused are and shall

shall be admitted to make their full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney. ACTS of 1839.

III. And it is hereby enacted, that all persons who, after the passing of this Act, shall be held to bail, or committed to prison, for any offence against the law for which they are to be tried before any of Her Majesty's courts of justice, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, to be fixed by such courts respectively; provided always, that if such demand shall not be made before the day appointed for the commencement of the sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent to such judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's courts of justice shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions or copies thereof which have been taken against them, and returned into the court before which such trial shall be had.

ACT No. XXIII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 23d September 1839.

An Act for authorizing Sentences of Imprisonment, with or without Hard Labour, by Courts Martial, in certain cases.

IT is hereby declared and enacted, that in all cases in which, by a general order of the Governor-General of India in Council, dated the 24th of February, in the year of our Lord 1835, it is made competent for courts martial to sentence soldiers of the native army in the service of the East India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such soldiers to be imprisoned with or without hard labour for any period not exceeding two years, if the sentence be pronounced by a general court martial, or not exceeding one year if the sentence be pronounced by a garrison or line court martial, or not exceeding six months if the sentence be pronounced by a regimental or detachment court martial. And every soldier so sentenced to imprisonment with hard labour for any period whatever, or to imprisonment without hard labour for any period exceeding six months, shall after confirmation of his sentence be dismissed from such service; provided always, that all sentences under this Act pronounced by any court martial inferior to a general court martial, shall require the confirmation of the general or other officer commanding the division or field force to which the person convicted belongs.

ACT No. XXIV. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 2d October 1839.

An Act for the Administration of Justice and Collection of the Revenue in certain parts of the districts of Ganjam and Vizagapatam.

I. IT is hereby enacted, that from the first day of December 1839 Act XXIII. of 1836 shall be repealed.

ACTS of 1839.

II. And it is hereby enacted, that from and after the said first day of December 1839, the operation of the rules for the administration of civil and criminal justice, as well as those for the collection of the revenue, shall cease to have effect, except as hereinafter mentioned, within the undermentioned tracts of country at present included in the districts of Ganjam and Vizagapatam :

In the District of Ganjam.

Zemindaries.

Pauloor.
Hoomanah.
Becridee.
Khullicottah.
Pratapagery.
Mohery.
Vizeyanagur.
Hautghur.
Bramnorchee.
Chegatee.
Mundasa.
Soorunghi.
Jaradah.
Jaluntra.
Boodara Singhy.
Dharacotah.
Badagodah.
Sareghur.
Turlahi.
Purlah Khinedy.

Aumany Estates.

Goomsur.
Sooradah.
Askah.
Pornary.
Coorlaw.

In the District of Vizagapatam.

Ancient Zemindaries.

Vazeanagur.
Bobelly.

Hill Zemindaries.

Jayapoor.
Coorpam.
Sungumirulsah.
Chamadoo.
Panchepentah.
Andra.
Saroapully Bhomararum.
Saloor.
Mandoogole.
Belgam.
Maringhy.

Under Aumany.

Paleondah.
Golcondah.

III. And it is hereby enacted, that the administration of civil and criminal justice (including the superintendence of the police), and the collection and superintendence of the revenues of every description, within the tracts of country specified in the foregoing section, which are now included in the district of Ganjam, shall be vested in the collector of Ganjam, and within those which are now included in the district of Vizagapatam, in the collector of Vizagapatam, and shall be exercised by them respectively as agents to the Governor of Fort St. George.

IV. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of such agents, and of all the officers subordinate to their control and authority, and to determine to what extent the decision of the agents in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Adawlut, and to define the authority to be exercised by the agents in criminal trials, and what cases he shall submit to the decision of the Fouzdaree Adawlut.

V. And it is hereby enacted, that upon the receipt of any criminal trials referred by either of the agents under the rules which may be hereafter prescribed by the Governor in Council, the Fouzdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a judge on circuit.

VI. And it is hereby enacted, that upon the receipt of any appeal from a decree of either of the agents, under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the provincial courts.

VII. And

VII. And it is hereby enacted, that each of such agents as aforesaid shall have the power of making commitments by warrant under his hand, which is possessed by the Governor of Fort St. George in Council by virtue of Regulation II. of 1819, of the Madras code, provided that the third, fourth, fifth, sixth and seventh sections of that regulation shall remain in force and be applicable to commitments under this Act; provided also, that in every case in which either of such agents shall make any such commitment, he shall transmit immediately a report to the Governor in Council of Fort St. George for his orders.

VIII. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make, from time to time, with the previous sanction of the Governor General of India in Council, such alterations in the limits of the tracts within the aforesaid districts placed under the jurisdiction of the said agents respectively, as he may deem expedient.

ACT No. XXV. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 25th November 1839.

AN Act for the Presidency of Bombay, limiting the Powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.

It is hereby enacted, that Regulation IV. of 1831 be repealed, and that clause 4, section XI. and clause 3, section XXVII. of Regulation XVI. of 1827; clause 4, section XVI. of Regulation XVII. of 1827; and clause 2, section VIII. of Regulation XII. of 1827, of the Bombay code, so far as they relate to the penal jurisdiction of collectors as magistrates, be repealed; provided always, that the offences specified in the said sections, viz. sections XI. and XXVII. of Regulation XVI. of 1827; section XVI. of Regulation XVII. of 1827; and section VIII. of Regulation XII. of 1827, shall be cognizable by magistrates and assistant magistrates under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay Presidency.

ACT No. XXVI. of 1839.

Passed by the Honourable the President of the Council ~~shall be referred for~~ on the 2d December 1839. or Lieutenant-governor

AN Act for regulating Inquiries into the truth of Matters ~~in the North Western~~ Public Conduct of Officers not removable without the sanction ~~the latter~~ ment within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to consolidate the enactments contained in the regulations concerning inquiries into the truth of matters implicating the public conduct of European officers, and to amend the same in various particulars, and to extend the same to all officers not removable without the sanction of government:

It is hereby enacted, that such parts of section 10, Regulation V. of 1793, and of section 10, Regulation IV. of 1803 as relate to charges of corruption;

Section 8, Regulation VI. of 1793;

Section 8, Regulation V. of 1803;

Clauses 9, 10, and 11, and such other parts of section 9, Regulation XIII. of 1793 as relate to covenanted servants of the Company;

Clauses 9, 10, and 11, and such other parts of section 12, Regulation XII. of 1803 as relate to covenanted servants of the Company;

Section 4 and all the following sections of Regulation VIII. of 1806;

Regulation X. of 1806, excepting so much of section 10 of that regulation as

ACTS of 1839. relates to security required from persons preferring charges against Hindoo or Mahomedan law officers, or native ministerial officers of courts;

Regulation XVII. of 1813;

Regulation VIII. of 1817;

And sections 5 and 6 of Regulation VIII. of 1825; of the Bengal code;

Together with so much of any Regulations as extends any of the above regulations or parts of regulations to any places within the presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that in the territories subject to the presidency of Fort William in Bengal, whenever either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of official misconduct affecting any officer subject to their control respectively, and not removable without the sanction of government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to any functionary exercising the authority of government in the North Western Provinces, as the case may be, according to the authority to which they may be subject, for his consideration and orders.

III. And it is hereby enacted, that any charge or information of the description aforesaid may be preferred direct to either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation, and make such further inquiries, upon oath or affirmation, upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any judge, magistrate, commissioner of revenue, or collector for any acts of the description beforementioned committed within their jurisdiction respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder Dewanny and Nizamut Adawlut, the Sudder Board of Revenue, or the Board of Customs, Salt and Opium, according as the person accused may be subject to those authorities respectively.

~~And it is hereby enacted, that it shall not be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, or the said boards respectively, to~~

IV. And it is hereby enacted, that it shall not be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, or the said boards respectively, to receive any charge or information, unless the person preferring the same shall swear upon oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Court of Sudder Dewanny and Nizamut Adawlut, and for the said boards respectively, to dismiss any such charge or information where they do not see any substantial reason for entering further into the inquiry; provided that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in section II. of this Act.

VII. And it is hereby provided, that the said Courts of Sudder Dewanny and Nizamut Adawlut, and the said boards respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion; and in the event of security being so required, all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid affecting such officer as is mentioned in the second section of this Act shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudder Dewanny and Nizamut Adawlut, or any of the said boards respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor of Bengal, or to the Lieutenant-governor of the North Western Provinces, or to the authority exercising the powers of government in those provinces as aforesaid, although no charge or information be preferred as aforesaid; and in such cases it shall not be necessary, before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor of Bengal, or the Lieutenant-governor of the North Western Provinces, or the authority exercising the powers of government in those provinces as aforesaid, upon such reference as is mentioned in the second section of this Act, shall concur with the authority by which it may be submitted, or if such Governor or Lieutenant-governor, or authority exercising the powers of government, shall, from information of the description aforesaid that may be laid before him in respect to such officers as aforesaid not directly subject to the courts or boards above named, deem it necessary to institute proceedings against any such officers, he shall appoint a commissioner or commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such commission, the said Governor, or Lieutenant-governor, or authority exercising the powers of government in the North Western Provinces, shall direct whether the commission shall be placed under the control of any of the authorities aforesaid, or shall act immediately under the authority of government, and all commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the government to which they may be respectively subordinate.

XI. And it is hereby enacted, that the commissioner or commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath:

I, A. B., Commissioner for the purpose of (here state the object of the commission), do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favour or bias, to the best of my ability, knowledge and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a special commission, the said Governor, or Lieutenant-governor, or authority exercising the powers of government in the North Western Provinces, will determine whether the conduct of the prosecution shall be left to the accuser or be undertaken on the part of government. In the latter case, the said Governor, or Lieutenant-governor, or authority exercising the powers of government in the North Western Provinces, will nominate such person or persons as may be deemed proper to conduct the prosecution on behalf of government.

XIII. And it is hereby enacted, that it shall be the duty of commissioners appointed under this regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be adduced by the witnesses adduced or documents exhibited by either party, or appear to be necessary for the ascertainment of facts, or the discovery of the truth, or falsehood of the charges, or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission

ACTS of 1839.

commission under this regulation, such commission shall be vested with the same powers as are exercised by the zillah and city courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the zillah or city judge in whose jurisdiction the commission may be held, and executed by the zillah or city judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the commissioner or commissioners shall, when the commission shall be instructed to act immediately under the authority of government, submit directly to the government to which he or they may be subordinate, and in other cases to the controlling court or board, the proceedings under the commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor, Lieutenant-governor, or authority exercising the powers of government in the north-western provinces, or the controlling court or board, upon consideration of the report of any such commission as aforesaid, direct the commissioner or commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the commissioner or commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudder Dewanny and Nizamut Adawlut, or the Board to which any report of a commissioner or commissioners may be submitted as aforesaid, after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the government to which they may be subordinate, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a special commission may be appointed under the provisions of this Act, the said Governor, or Lieutenant-governor, or authority exercising the powers of government in the North Western Provinces will determine, on a view of the nature and circumstances of the case, whether the accused officer shall be suspended from the discharge of the functions of his office; and if so, whether he shall be permitted to draw the established allowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor, or Lieutenant-governor, or authority exercising the powers of government in the North Western Provinces, on consideration of the report and proceedings submitted to him, in pursuance of sections XVI. and XVIII. of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice, and consistent with the powers possessed by government in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution before a competent court of law, will issue the necessary instructions for that purpose to the law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by government, individuals deeming themselves aggrieved by any public officer will be at all times at liberty to seek redress according to the ordinary forms prescribed by law.

XXI. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions respecting the dismissal and suspension of principal and other sudder ameens contained in section XXVI. of Regulation V. of 1831, or the provisions respecting the dismissal of deputy collectors contained in

in section XXV. of Regulation IX. of 1833; provided always, that it shall be lawful for the Governor of Bengal, or the Lieutenant-governor of the North Western Provinces, or the authority exercising the powers of government, in these provinces respectively, upon any such reference as is mentioned in section XXVI. of Regulation V. of 1831, and section XXV. of Regulation IX. of 1833, at his discretion, to appoint a commissioner or commissioners for making such regular and formal inquiry touching imputations of official misconduct affecting any principal or other sudder ameen, or any deputy collector, as he shall think fit, in manner as is directed by this Act, and subject to its provisions.

ACTS of 1839.

ACT No. XXVII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 16th December 1839.

AN Act for authorizing the Court of Requests for the Town of Calcutta to execute Decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs, in certain cases.

I. WHEREAS execution of the decrees of the courts of justice of the zillah of the 24-Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said zillah into the town of Calcutta; and whereas, by Regulation XVI. of 1812 of the Bengal code, provision is made, where the like inconvenience occurs by parties absconding from the town of Calcutta into the said zillah, for the Judge of the said zillah enforcing the judgments of the Court of Requests of the town of Calcutta:

It is hereby enacted, that if the defendant in any suit decided by any court of justice of the zillah of the 24-Pergunnahs, the plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the Judge of Dewanny Adawlut of the zillah of the 24-Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests, and on payment of the like costs as are demanded for the execution of such judgments in ordinary cases; provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree except the cause of action in respect of which such decree was obtained were such that, if it had occurred within the local jurisdiction of the said court, it would have been cognizable by the same.

ACT No. XXVIII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 16th December 1839.

AN Act for the Regulation of Buildings in the Islands of Bombay and Colaba.

I. It is hereby enacted, that the first 12 articles of Rule, Ordinance, and Regulation III. of 1812, passed by the Governor of Bombay in Council, and the 18th, 25th, and all following articles of the same rule, ordinance, and regulation, and the 1st, 2d, 5th, and 7th articles of Rule, Ordinance, and Regulation III. of 1815, passed by the said authority, be repealed.

II. And it is hereby enacted, that all persons intending to erect or rebuild any building within the islands of Bombay and Colaba which shall approach in any part within 25 feet of the edge or side of any public road, street, or other thoroughfare, or intending to alter any building within the said islands by extending the foundation thereof, so that any part of such foundation shall approach within the same distance of the edge or side of any such public place, shall, before commencing to do so, obtain from the collector of land revenue in Bombay a certificate of the specific ground intended to be used, and from the

ACTS of 1839.

the surveyor to the Court of Petty Sessions in Bombay an indorsement on such certificate, of the nature of the work which, consistently with the provisions of this Act, and with public convenience, and according to the intention of the party, can and is proposed to be executed.

III. And it is hereby enacted, that in all cases in which the surveyor to the said Court of Petty Sessions shall be satisfied that the intended building or alteration is in compliance with the provisions of this Act, and that no part of the ground to be covered thereby is wanted for public purposes, he shall indorse the said certificate as above enacted, and in case any party shall feel aggrieved by the withholding of such indorsement, or by the terms or restrictions of any such indorsement, he shall be at liberty to bring the matter of his complaint before the said Court of Petty Sessions, whose decision thereon shall be final; provided always, that no certificate, and no such indorsement thereof as aforesaid, and no decision of the said Court of Petty Sessions thereon, shall be construed as an adjudication upon or as in any way affecting the right or title of any person to the ground or building referred to in such certificate and indorsement or any part thereof.

IV. And it is hereby enacted, that should any person, having obtained a certificate and indorsement as aforesaid, find it desirable during the progress of the work to deviate from his original plan, he shall not be at liberty to do so without the sanction in writing of the said surveyor to the Court of Petty Sessions to such proposed deviation, with liberty however to the party to appeal to the said court as provided in section III. of this Act.

V. And it is hereby enacted, that should the erection, rebuilding, or such alteration as aforesaid of any such building be commenced without such certificate and indorsement as above required, or contrary to the terms of any such certificate and indorsement, (such deviation not having been duly sanctioned as aforesaid,) every person offending herein shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 rupees.

VI. And it is hereby enacted, that whoever shall alter any such certificate as aforesaid without the sanction of the collector of the land revenue and of the surveyor to the Court of Petty Sessions, or shall alter any indorsement thereon without the sanction of the surveyor to the Court of Petty Sessions, shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 rupees, or by imprisonment in the house of correction for any time not exceeding four calendar months, with or without hard labour.

VII. And it is hereby enacted, that no building hereafter to be erected within the walls of the fort of Bombay shall be erected higher than 50 feet measured from the surface of the street to the extreme of the roof; provided that light open balustrades or railings of any material not inflammable may be added round the outer edge of the roof for the purpose of guarding against accident, but such balustrades or railings are to have no roof or covering; and all persons offending herein, shall, on conviction before the said Court of Petty Sessions, be punishable by fine not exceeding 500 rupees.

VIII. And it is hereby enacted, that no cudjans or other inflammable materials shall be made use of in the external roof or walls of any building within the fort walls of Bombay, nor in the external part of any building without the fort walls of Bombay, in any place or places within the islands aforesaid to be declared by the Governor of Bombay in Council, by proclamation in the Government Gazette, and that every person offending herein, shall on conviction before the said Court of Petty Sessions, be punishable by fine not exceeding 500 rupees.

IX. And it is hereby enacted, that no building of any description shall be erected in the islands of Bombay or Colaba in such manner as shall destroy, injure, or prejudicially interfere with any of the watercourses or the drainage of the said islands, or either of them, and upon notice being given by the said surveyor of the Court of Petty Sessions to the owner or other person under whose directions any work may be going on, that such work is injurious to and does or will interfere with any watercourse or the drainage of the said islands or either of them, such person shall immediately thereupon discontinue such work, and if he feels aggrieved by such notice, shall bring the matter of his complaint before the said Court of Petty Sessions, whose opinion and adjudication

cation thereon shall be final; and in case such person shall not, on receiving such notice as aforesaid, discontinue the said work, he shall be punishable on conviction before the said Court of Petty Sessions, by fine not exceeding rupees 500.

X. And it is hereby enacted, that in case the said Court of Petty Sessions on any appeal to them under the last preceding section, or upon special application of their surveyor, and after hearing the parties concerned, shall be of opinion that the work deemed objectionable by the said surveyor will destroy or be injurious to, or prejudicially affect, any of the watercourses or the drainage of the said islands, or either of them, then the said court shall make an order for the discontinuance and immediate removal of the said work, or of so much thereof as is objectionable: and in case the owner or other person conducting such work shall not obey such order, he shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding rupees 500: and such work, or so much thereof as shall have been found to be objectionable, shall be forthwith taken down and removed by the surveyor of the said court, and the materials shall be sold and disposed of in the like manner as is hereinafter directed concerning the taking down of ruinous buildings.

XI. And it is hereby enacted, that when any building within the islands of Bombay or Colaba shall be erected, rebuilt, or altered, in any manner contrary to the provisions of this Act, except as in the 9th section is mentioned, it shall be lawful for the surveyor to the Court of Petty Sessions to give notice to the person or persons so offending forthwith to discontinue such work, and to pull down and clear away the same by a fixed day, and in the event of such work not being immediately discontinued, or of such order of removal not being complied with by the expiration of the time so fixed upon, the person or persons so disobeying such notice shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding rupees 500; and the surveyor to the Court of Petty Sessions shall have power to cause the work to be taken down and removed, and to sell and dispose of the materials thereof in the like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which court shall have power to quash, alter, or confirm the same, and to extend the time named therein, and to punish any frivolous appeal with double costs.

XII. And it is hereby enacted, that every person rebuilding any building of which any part is situated within 25 feet of the edge or side of any public road, street, or other thoroughfare within the islands aforesaid, shall be liable to be required, for the purpose of widening such road, street or other thoroughfare, to carry back his building so far and to give up so much of the site of the old building, or of the compound in which the same was standing, or of the uninclosed ground, if any, lying in front of the old building and between the same and the road, as shall be specified in the indorsement to be made on the certificate of the collector of land revenue under this Act, but such indorsement shall be subject in all cases to the revision and final decision of the said Court of Petty Sessions, in the event of an appeal thereto from the terms of the same, and the party so required shall be entitled to such compensation as is hereinafter provided.

XIII. And with the view of preventing fraudulent evasions as to the giving up of ground under the last section, it is hereby enacted, that every person rebuilding, repairing, altering, or in any way strengthening the foundation or lower part of any building within 25 feet of the edge of any public road or street within the islands aforesaid, and then within three years therefrom substantially rebuilding the remaining part of the said building upon the old foundation or lower part so rebuilt, repaired, altered or strengthened as aforesaid, shall be deemed to have rebuilt the entire building within the meaning of the last section.

XIV. And it is hereby enacted, that should any steps project into any public road, street, or other thoroughfare in front of any house, the space covered by such steps shall not be considered as part of the ground to be given up under this Act, but the ground to be given up shall be measured from the exterior of the building itself.

ACTS of 1839.

XV. And it is hereby enacted, that the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, shall at all times have power and authority to require any ground within the islands of Bombay or Colaba to be given up for the purpose of widening or altering any existing public road, street, or other thoroughfare, or drain, or for making any new public road, street, or other thoroughfare, or drain.

XVI. And it is further enacted, that wherever ground required to be given up under any of the preceding clauses, or any building thereon, shall be, or be of the nature of, private property, or when being ground of the Honorable Company any substantial improvement shall have been made in the value thereof, the surveyor to the Court of Petty Sessions shall cause an estimate to be made of such private interest, or of any such improvement, and the amount of such estimate, if duly sanctioned by the Honorable the Governor in Council, or such other sum as that authority shall sanction, shall be offered by the said surveyor to the owner or other person in possession of the said ground or building, and if such offer be accepted, the amount thereof shall be paid to such owner or other person, whose receipt for the same shall be a sufficient release and discharge to the said Court of Petty Sessions, and thereupon the said Court of Petty Sessions shall become and be the legal owners of the said ground or building, for the purposes of this Act, and all and every person or persons interested in the premises shall be thenceforth to all intents and purposes divested of all right, title, and interest of, in, or to the same; provided always, that nothing herein contained or hereby authorized shall have the effect of deciding that the person to whom any money shall be paid as aforesaid is in law or equity the owner of any part of such money, and in case any conflicting claims shall be set up thereto before the same shall have been paid over, such sum shall be then dealt with in the manner provided in section XXI. hereinafter contained.

XVII. And it is further enacted, that where such offer shall be made as aforesaid, and the person or persons to whom the same shall be made shall refuse to accept the same, as being less than the value of the said property or interests, then and in such case the Court of Petty Sessions shall cause the value of the property or interests, for which compensation is to be given, to be ascertained by a jury of 12 indifferent men resident on the island, to be summoned by the sheriff in manner hereinafter mentioned, and the said Court of Petty Sessions is hereby empowered to call before the said jury by a written notice for that purpose to be given, and to examine upon oath all persons who shall be thought necessary and capable of giving evidence concerning the premises, and the said court shall cause the said jury to view the property in question, and shall use all other lawful means as well for their own as for the said jury's information on the premises, and after the said jury shall have so settled the value of the said property or interest, such valuation so made shall be final and conclusive to all intents and purposes against all persons, and the amount thereof shall be paid as hereinafter mentioned.

XVIII. And it is hereby enacted, that for summoning and returning a jury under the last preceding clause, the said Court of Petty Sessions shall have authority from time to time to issue their warrant to the said sheriff of the town of Bombay, thereby requiring him to summon and return an indifferent jury of 24 persons resident on the island of Bombay, to be selected from the petit jury list for the time being, to appear before the said Court of Petty Sessions at such time and place as in the said warrant shall be appointed, of which time and place all parties interested shall have 10 days' notice in writing to be given to the said parties personally or left at their usual place of abode; and the said sheriff is hereby required to summon and return such 24 persons accordingly, and out of the persons so summoned and returned, or out of such of them as shall appear, the said court shall cause to be sworn 12, who shall be the jury for the purpose aforesaid, and all persons concerned shall have their lawful challenges against any of the said jurymen when they come to be sworn; and the said court acting in the premises shall have power to impose any reasonable forfeiture, not more than 200 rupees, upon any person who shall be summoned and returned on such jury and shall not appear, or who shall refuse to be sworn on such jury, or in any manner wilfully neglect his duty therein contrary to the meaning of this Act, and also upon any person who, having been duly summoned to give evidence touching any matter in question, shall
refuse

refuse to appear, or appearing shall refuse to be examined or give evidence, which said forfeiture shall be and is hereby made payable to the Court of Petty Sessions for and on account of the county fund. ACTS of 1839.

XIX. And it is hereby enacted, that the said sheriff shall be allowed for every warrant to his bailiff for summoning every jury 10 rupees and no more, and for every return of a jury four rupees and no more, and for attending the Court of Petty Sessions on the impannelling every jury 15 rupees and no more, and such fees and other expenses of and attending the assembling the said jury shall be borne and paid by the Court of Petty Sessions out of the county fund, if the valuation affixed by the said jury shall exceed the original offer made under section XVI. of this Act, and by the other party if such valuation shall be equal to or less than the said offer, and in all cases where the said Court of Petty Sessions shall be entitled to receive any costs or expenses under this clause, the said court shall be empowered to levy and raise the same in the same manner as if the same were a fine or other penalty.

XX. And it is further enacted, that in all cases where money shall be paid to any person or persons as a compensation under this Act, the same shall be paid out of the county fund, and shall be subject to the same use or uses, and the same charges, liens, or incumbrances in all respects as the interests or property for which such compensation shall be paid were subject to at the time of the payment therefore.

XXI. And it is further enacted, that in every case wherein conflicting claims are set up to any property or interest which the Court of Petty Sessions may require for carrying into execution the purposes of this Act, and for which under the provisions thereof any compensation shall be payable, such compensation shall be paid into the hands of the accountant-general of the Supreme Court of Bombay, for the use and benefit of such persons as shall appear entitled thereto by any decree or judgment of the said Supreme Court, and the receipt of the said accountant-general shall be a sufficient discharge to the Court of Petty Sessions, who shall, from the date thereof, become and be the legal owners of the said ground or building for which such money shall be so paid.

XXII. And it is hereby enacted, that the surveyor to the said Court of Petty Sessions shall cause notice in writing to be given to the owner or occupier of any building or land within the islands aforesaid from which any gallery, balcony, roof, weather frame, spout, gutter, or other thing shall in future be made, which shall overhang or jut into, or in any way project or encroach upon any public road, street, or other thoroughfare, that he do take down, remove, alter, or regulate the same in such manner as not to incommode the public; and in case such owner or occupier shall refuse or neglect so to do for the space of 15 days next after such notice shall have been given to him; the person or persons disobeying such notice shall be punishable, on conviction before the said Court of Petty Sessions, by fine not exceeding 500 rupees; and the said surveyor shall have power to cause the nuisance to be taken down and removed, and to sell and dispose of the materials thereof in like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which court shall have power to quash, alter, or confirm the same, and to punish any frivolous appeal with double costs; provided also, that tiled roofs or weather frames of at least 12 feet high above the surface of any public road, street, or other thoroughfare, may be projected to the extent of two feet above the same.

XXIII. And it is hereby provided, that it shall be lawful to the surveyor to the said Court of Petty Sessions, with the approbation of the said court, to give permission in writing to the owner or occupiers of buildings in public thoroughfares 25 feet in width and upwards, within the islands aforesaid, to project tiled roofs or weather frames from the upper stories of their houses to the extent of three feet beyond their foundation, or over any public road, street, or other thoroughfare, and to the occupiers of buildings in exposed situations facing between the south and west in streets of the above width to make such projection to the extent of five feet.

ACTS of 1839.

XXIV. And it is further enacted, that where any scaffolding shall be used in or near any public road, street, or other thoroughfare, in building, repairing, or altering any house or building within the islands aforesaid, it shall be lawful for the surveyor to the said Court of Petty Sessions, if he shall think fit so to do, to give notice in writing to the owner or occupier of such house, or building, or other person directing the work, to cause such scaffolding to be masked or covered on the outside thereof, so as to prevent anything falling therefrom to the injury of persons passing below; and if the owner, occupier, or other person as aforesaid, shall neglect to obey such notice within a reasonable time after receiving the same, such offender shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding 500 rupees.

XXV. And it is further enacted, that the tiles of roofs within the said islands shall be properly secured, so as to prevent their falling to the injury of passengers on any public road, street, or other thoroughfare, and the owner or occupier of any house the tiles of which are not so secured shall, if he neglect to secure the same within one week after having received notice so to do from the said surveyor to the Court of Petty Sessions, be punishable, on conviction before the said court, by fine not exceeding 500 rupees.

XXVI. And it is hereby enacted, that it shall be lawful for the surveyor to the Court of Petty Sessions to give notice in writing to the owner or occupier of any house or building within the islands aforesaid, from which water may fall on any public road or ground, to put up such gutters or channels for catching and conveying the water elsewhere as may be necessary, and on non-compliance with such notice within one week from the time of receiving the same, the offender shall be punishable before the said Court of Petty Sessions by fine not exceeding 500 rupees.

XXVII. And it is hereby enacted, that when any building or any part thereof at or near any public road, street, or other thoroughfare in any part of the said islands, is in a ruinous condition, it shall be lawful for the said surveyor to the Court of Petty Sessions to cause a sufficient boarding or protection to be put up for the safety of all passengers; and the said surveyor shall cause notice in writing to be given to the occupier, if any, and if not to cause a notice to be affixed to the door or other exposed part of such building, to repair or pull down the same within 14 days from the date of such notice, and if such occupier or the owner do not begin to repair or take down the same within such term of 14 days, and complete the same as soon as the case will admit, it shall be lawful for the surveyor to the Court of Petty Sessions to cause such building, or so much ^{thereof} as may be ruinous, to be taken down and removed in such manner as shall be requisite, and to sell and dispose of the materials thereof, and by and out of the monies arising by the sale thereof, to reimburse himself, and all persons by him employed for the purpose, all the charges of putting up such boarding, and of taking down and removing such building, and of selling the said materials as aforesaid; and the surplus of such monies, if any, shall be paid to the owner of such house or building upon personal demand thereof made by such owner, and if no such demand be made, then to the Court of Petty Sessions, for the benefit of the person or persons entitled thereto, and if no demand shall be made to the said court for the money so paid in before the expiration of 12 calendar months from the receipt thereof by the said court, the same shall be added to, and become part of, the county fund.

XXVIII. And it is hereby enacted, that whenever the money produced by any sale to be made by the surveyor to the Court of Petty Sessions, under this Act, shall be deficient to cover the expences of the said surveyor, and the persons employed by him, then the said Court of Petty Sessions shall pay such deficiency to the said surveyor out of the county fund, and shall have power to levy and raise the same by distress and sale of the goods and chattels of the offender, in the same manner in all respects as fines and penalties are levied by the said court.

XXIX. And it is hereby enacted, that in case any part of the land constituting the public streets or roads, or other thoroughfares of the said islands beyond the limits of the town of Bombay, shall become useless and unnecessary for the purpose

purpose of a public highway, it shall be lawful for the Governor of Bombay in Council to direct the collector of land revenue of Bombay to take possession thereof for the use of the Honourable Company, and the collector of land revenue shall take possession thereof accordingly. ACTS of 1839.

XXX. And it is hereby enacted, that every head builder, master carpenter, master mason, or labourer, who shall, in erecting, rebuilding or repairing, altering or adding to any building in Bombay or Colaba, knowingly offend against the provisions of this Act, shall be punishable, on conviction before the said Court of Petty Sessions, by fine not exceeding 500 rupees.

XXXI. And it is hereby enacted, that the amount of all fines and penalties, and costs in the nature of fines and penalty, that may be incurred and payable under this Act, shall be levied by warrant under the hands and seals of two or more of the magistrates in petty sessions, and when received shall be added to, and form part of, the county fund; and if on such distress, property belonging to such offenders sufficient to make good the penalty be not found, such offender shall be committed by the said court to the house of correction, with or without hard labour at the discretion of the said court, for any time not exceeding three months, unless the said penalty be sooner paid.

XXXII. And it is hereby enacted, that where any distress shall be made for any sum or sums of money to be recovered by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect of form in any proceedings relating thereto, nor shall the party be deemed a trespasser *ab initio* on account of any irregularity afterwards done by the party making such distress, but the person or persons aggrieved by such irregularity may recover for the special damage only by action on the case, and not by any other action whatever.

XXXIII. And it is hereby enacted, that no plaintiff shall recover in any action for any such irregularity or other proceedings, if tender of sufficient amends be made by or on the behalf of the party or parties who committed or caused to be committed any such irregularity or wrongful proceeding before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant or defendants in any such action, by the leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, whereupon such proceedings or order and judgment shall be had, made, or given in and by such court as in other actions when the defendant is allowed to pay money into court.

XXXIV. And it is hereby enacted, that no action or suit shall be commenced against any person or persons for anything done in pursuance of this Act, until 21 days after notice in writing of an intention to bring such action or suit has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of three calendar months next after the fact committed; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and any special matter in evidence at the trial, and that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act, and if the said matter or thing appear to have been so done, or if it shall appear that such action or suit was brought before the expiration of 21 days after such notice was given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought, or if any such action or suit be not commenced within the time herein for that purpose limited, then the court, in every such action or suit, shall find for the defendant therein; and if a verdict be found for the defendant, or if the plaintiff or plaintiffs in any such action or suit become nonsuited or discontinue, or suffer a discontinuance of any such action or suit, or if in any such action or suit judgment be given for the defendant therein on demurrer or by default, or otherwise, then, and in any of the cases aforesaid, the defendant shall have judgment to recover treble costs of suit, and shall have such remedy for recovering the same as any defendant or defendants may have by law for costs in other cases.

ACTS of 1839.

ACT No. XXIX. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 16th December 1839.

AN Act for the amendment of the law relating to Dower.

I. Whereas it is expedient to extend the amendments in the English law of dower contained in the statute 3 & 4 Will. 4, c. 105, to the territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English law of dower as it existed previously to the passing of the aforesaid statute.

Meaning of the words in the Act.

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "land" shall extend to messuages and all other hereditaments, whether corporeal or incorporeal (except such as are not liable to dower), and to any share thereof; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

Widows to be entitled to dower out of equitable estates.

II. And it is hereby further enacted, that when a husband shall die, beneficially entitled to any land for an interest which shall not entitle his widow to dower out of the same at law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession, or equal to an estate of inheritance in possession (other than an estate in joint-tenancy), then his widow shall be entitled in equity to dower out of the same land.

Seisin shall not be necessary to give title to dower.

III. And it is hereby further enacted, that when a husband shall have been entitled to a right of entry or action in any land, and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same although her husband shall not have recovered possession thereof; provided that such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

No dower out of estates disposed of.

IV. And it is hereby further enacted, that no widow shall be entitled to dower out of any land which shall have been absolutely disposed of by her husband in his lifetime, or by his will.

Priority to partial estates, charges, and specialty debts.

V. And it is hereby further enacted, that all partial estates and interests, and all charges created by any disposition or will of a husband, and all debts, incumbrances, contracts and engagements to which his land shall be subject or liable, shall be valid and effectual as against the right of his widow to dower.

Dower may be barred by a declaration in a deed.

VI. And it is hereby further enacted, that a widow shall not be entitled to dower out of any land of her husband, when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land.

Declaration of husband's will.

VII. And it is hereby further enacted, that a widow shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate, when by the will of her husband, duly executed for the devise of freehold estates, he shall declare his intention that she shall not be entitled to dower out of such land or out of any of his land.

Dower shall be subject to restrictions.

VIII. And it is hereby further enacted, that the right of a widow to dower shall be subject to any conditions, restrictions or directions which shall be declared by the will of her husband, duly executed as aforesaid.

Devise of real estate to the widow shall bar her dower.

IX. And it is hereby further enacted, that where a husband shall devise any land out of which his widow would be entitled to dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of, or in, any land of her said husband, unless a contrary intention shall be declared by his will.

Bequest of personal estate to the widow shall not bar dower.

X. And it is hereby further enacted, that no gift or bequest made by any husband to or for the benefit of his widow of or out of his personal estate, or of

or

or out of any of his land not liable to dower, shall defeat or prejudice her right to dower unless a contrary intention shall be declared by his will. ACTS of 1839.

XI. Provided always, and it is hereby further enacted, that nothing in this Act contained shall prevent any court of equity from enforcing any covenant or agreement entered into by or on the part of any husband not to bar the right of his widow to dower out of his lands or any of them. Agreement not to bar dower may be enforced.

XII. And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule of equity, or of any ecclesiastical court by which legacies bequeathed to widows in satisfaction of dower are entitled to priority over other legacies. Legacies in bar of dower still entitled to preference.

XIII. And it is hereby further enacted; that no widow shall hereafter be entitled to dower *ad ostium ecclesie* or dower *ex assensu patris*. Certain dowers abolished.

XIV. And it is hereby further enacted, that this Act shall not extend to the dower of any widow who shall have been or shall be married on or before the 1st day of July 1840, and shall not give to any will, deed, contract, engagement or charge executed, entered into, or created, before the said 1st day of July 1840, the effect of defeating or prejudicing any right to dower. Act not to take effect before the 1st July 1840.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in land otherwise than by modifying the law of dower in cases governed by the English law of dower, or to extend or alter the jurisdiction of any of Her Majesty's courts of justice.

ACT No. XXX. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 16th December 1839.

AN Act for the amendment of the Law of Inheritance.

I. Whereas it is expedient to extend the amendments, in the English law of inheritance contained in the statute 3 & 4 Will. 4. c. 106, to the territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English law of inheritance as it existed previously to the passing of the aforesaid statute :

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to messuages, and all other hereditaments, whether corporeal or incorporeal, and whether freehold or of any other tenure, and to money to be laid out in the purchase of land, and to chattels and other personal property transmissible to heirs, and also to any share of the same hereditaments and properties or any of them, and to any estate of inheritance or estate for any life or lives, or other estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the purchaser" shall mean the person who last acquired the land otherwise than by descent, or than by any escheat, partition, or enclosure, by the effect of which the land shall have become part of or descendible in the same manner as other land acquired by descent; and the word "descent" shall mean the title to inherit land by reason of consanguinity, as well where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any ancestor shall extend to all persons who must trace their descent through such ancestor; and the expression "the person last entitled to land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession, or the receipt of the rents and profits thereof; and the word "assurance" shall mean any deed or instrument other than a will by which any land shall be conveyed or transferred at law or in equity; and every word importing the singular number only, shall extend and be applied to several persons.

Meaning of words in the Act.

"the purchaser."

"Descent."

"Descendant."

"Person last entitled."

"Assurance."

Number and gender.

ACTS of 1839. persons or things as well as one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved.

II. And it is hereby further enacted, that in every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof, unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the land shall be proved to have been inherited shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same.

Heir entitled under a will, shall take as devisee, and a limitation to the grantor or his heirs shall create an estate by purchase.

III. And it is hereby further enacted, that when any land shall have been devised by any testator who shall die after the 1st day of July 1840, to the heir or to the person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee, and not by descent; and when any land shall have been limited by any assurance executed after the said 1st day of July 1840, to the person or the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

Where heirs take by purchase under limitations to the heirs of their ancestors, the land shall descend as if the ancestor had been the purchaser.

IV. And it is hereby further enacted, that when any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an assurance executed after the said 1st day of July 1840, or under a limitation to the heir or to the heirs of the body of any of his ancestors, or under any limitation having the same effect, contained in a will of any testator who shall depart this life after the said 1st day of July 1840, then and in any of such cases such land shall descend, and the descent thereof shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

Brothers, &c., shall trace descent through their parent.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

Lineal ancestor may be heir in preference to collateral persons claiming through him.

VI. And it is hereby further enacted, that every lineal ancestor shall be capable of being heir to any of his issue, and in every case where there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of their being no descendant of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

The line to be traced shall be barred by a relation of a

VII. And it is hereby further enacted and declared, that none of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed; and also that no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed; and that no female maternal ancestor of such person, or any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

The mother of more remote male ancestor to be preferred to the mother of the less remote male ancestor.

VIII. And it is hereby further enacted and declared, that where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestors, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there shall be a failure of male maternal ancestors of such person, and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person in preference to the mother of a less remote male maternal ancestor, and her descendants.

IX. And

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his heir, and the place in which any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common ancestor shall be a male, and next after the common ancestor where such common ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

ACTS of 1839.

Half blood, if on the part of a male ancestor, to inherit after the whole blood of the same degree; if on the part of a female ancestor, after her.

X. And it is hereby further enacted, that when the person from whom the descent of any land is to be traced shall have had any relation, who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such land shall have been escheated in consequence of such attainder before the 1st day of July 1840.

After the death of a person attainted, his descendants may inherit.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said 1st day of July 1840.

Act not to extend to any descent before 1st July 1840.

XII. And it is hereby further enacted, that where any assurance executed before the said 1st day of July 1840, or the will of any person who shall die before that time, shall contain any limitation or gift to the heir or heirs of any person under which the person or persons answering the description of heir shall be entitled to an estate by purchase, then the person or persons who would have answered such description of heir if this Act had not been made, shall become entitled by virtue of such limitation or gift, whether the person named as ancestor shall or shall not be living at the time aforesaid.

Limitations made before the 1st July 1840 to the heirs of a person then living, shall take effect as if the Act had not been made.

XIII. And it is hereby provided, that this Act shall not be construed to affect inheritances of land, which are not subject to the English law of inheritance, or to extend or alter the jurisdiction of any of Her Majesty's courts of justice.

ACT No. XXXI. OF 1839.

Passed by the Honourable the President of the Council of India in Council on the 23d December 1839.

AN Act for remedying certain defects in the Statute 9 Geo. 4, c. 74, relating to the Coin.

I. Whereas it is expedient to remedy certain defects in the statute 9 Geo. 4, c. 74, of which the inconvenience is particularly experienced, relating to injuries to the coin:

It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver coin issued from any mint of the East India Company, or usually received as money in any part of the territory under the government of the East India Company, with intent to make such coin so clipped, filed, drilled, defaced, or debased, pass for the current gold or silver coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable, on conviction, at the discretion of the court, to be transported to such place as the court shall direct for life or any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any court under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of Her Majesty's courts of justice within the territories under the government of the East India Company extends, but not further, or otherwise.

ACTS of 1839.

ACT No. XXXII. OF 1839.

Passed by the Honourable the President of the Council of India in Council
on the 30th December 1839.

AN Act concerning the Allowance of Interest in certain cases.

I. Whereas it is expedient to extend to the territories under the government of the East India Company, as well within the jurisdiction of Her Majesty's courts as elsewhere, the provisions of the statute, 3 & 4 Will. 4. c. 42, s. 28, concerning the allowance of interest in certain cases :

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment ; provided, that interest shall be payable in all cases in which it is now payable by law.

EAST INDIA.

COPY of the ACTS passed by the Honourable the President of the Council of India in Council, for the Year 1840; with INDEX.—(Pursuant to Act.)

East India House, }
24 February 1842.

Ordered, by The House of Commons, to be Printed, 25 February 1842.

ACTS of the Government of India.

ACT No. I. of 1840.

Passed by the Honourable the President of the Council of India in Council on the 27th January 1840.

ACTS of 1840.

AN ACT for regulating the Procedure on Trials referred to the Court of Foujdaree Adawlut at Madras.

I. Whereas the dispensing with a futwa, in cases referred to the Court of Foujdaree Adawlut at Madras, will be attended with great convenience; and the futwa may be dispensed with in that court, without altering or impairing the authority of the Mahometan law; it is therefore hereby enacted, that in trials referred to the said Court of Foujdaree Adawlut at Madras, that court shall not be required to take a futwa from their law officers: provided always, that nothing in this Act contained shall authorize the said court to dispense with the Mahometan law in any case which, before the passing of this Act, would have been determinable according to that law by the said court.

ACT No. II. of 1840.

Passed by the Honourable the President of the Council of India in Council on the 10th February 1840.

AN ACT for regulating the Execution of Sentences of Imprisonment passed by Courts Martial in certain cases.

I. It is hereby declared and enacted, that whenever under Act No. XXIII. of 1839, any sentence of a Court Martial shall adjudge imprisonment, or imprisonment with labour, for any offence, it shall be the duty of every judge, magistrate, sheriff or other officer in charge of any gaol, to give effect to such sentence on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the officer commanding the division, garrison, regiment or detachment, as the case may be, to which the offender belongs.

ACT No. III. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 17th February 1840.

For the Incorporation of a Bank at Bombay.

WHEREAS the Honourable Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India, have sanctioned the establishment of a Bank at Bombay on the same principles as were prescribed for and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of Directors have

ACTS of 1840.

directed the body of proprietors in existence at the date of the despatch which contained the said sanction for the incorporation of a Bank of Bombay to be the proprietors in whose favour the Act of Incorporation is to be passed :

It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the Schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East India Company, have paid up the amount of capital stock subscribed by them respectively, or such of them as have so paid up their subscriptions, shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as proprietors for the time being of the said bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate :

Provided, however, that it shall be lawful for the Governor-General of India in Council, at any time before the 1st May next, to rectify any errors in the Schedule of the said proprietors by notice in the official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby enacted, that the capital stock of the Bank of Bombay shall in amount not be less than 50 lakhs of rupees, nor, unless increased as hereinunder provided, more than 56 lakhs, whereof three lakhs of rupees shall be the property of the Governor in Council of Bombay; and the persons whose names are in the Schedule hereunto annexed shall, provided that the amount of stock subscribed for by them be paid up on or before the 1st April next, be proprietors of the shares of the said capital stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the stock to which they may be so admitted upon or before the said 1st May next; and if any of the proprietors named in the said Schedule shall not have duly paid up in full the amount of capital stock to which he or they are entitled, the shares of such stock that may be so unpaid (provided that the total amount that may so lapse do not reduce the capital stock of the bank below the sum of 50 lakhs of rupees) shall be cancelled; and if the lapsed shares cause the aggregate of the capital stock to be less than 50 lakhs of rupees, then so much stock as may be necessary to complete that sum shall be sold by public auction in lots of 1,000 rupees, on such date, not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay; and the amount realized at such sale, after making good the capital stock, shall be passed to credit as a profit at the disposal of the bank.

III. And it is hereby enacted, that it shall be in the power of the Governor-General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorize the said capital stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the proprietors of the said bank for the time being, and allowing to them a period of not less than 12 months to fill up such subscription themselves, and likewise to prescribe in what manner and form the proprietors shall subscribe and pay into the said bank the proportion of new stock to which they may respectively be entitled; and also to make such order and direction, as to him the said Governor-General in Council may seem fit, for the disposal of the amount of new stock that may not be subscribed for, and paid up by the proprietors in the manner and form that may be so prescribed.

IV. And it is hereby enacted, that the capital stock of the Bank of Bombay shall be divided into shares of 1,000 rupees each, which shall be numbered accordingly, and 300 of the said shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the proprietors who may pay up the same; and no separate interest or share in the stock of the said bank of less amount than 1,000 rupees shall be created or held by any proprietor; and if at any time the capital of the said bank shall be increased, the new stock added thereto shall in like manner be divided into shares of 1,000 rupees each, and no proprietor shall be entitled to claim a share of such new stock of less amount than 1,000 rupees.

V. And

V. And it is hereby enacted, that on the said 1st day of April 1840, or on some early day after that date, the Governor in Council of Bombay shall notify in the official Gazette of that presidency, that the Government share of the capital stock of the Bank of Bombay has been paid up, and shall publish in the said Gazette a list of the proprietors by whom the shares of the said capital stock subscribed for by them respectively have been paid; and the Bank of Bombay, being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act; and the said bank shall and may sue and be sued by its corporate name, and shall and may use such common seal as the directors of the said bank shall from time to time appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the capital stock shall be made to the sub-treasurer of the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section V. of this Act, when he will deliver the amount so subscribed to the directors of the bank, to be appointed as hereinafter provided.

VII. And it is hereby enacted, that after the said delivery of the amount of capital stock to the directors of the bank, the receipts granted by the sub-treasurer of the Government of Bombay, in the manner provided in Section VI. of this Act, shall be cancelled, and a certificate, signed by three directors of the Bank of Bombay, shall be delivered to each proprietor; and any person who is a proprietor of more than one share of the capital stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

VIII. And it is hereby enacted, that no proprietor shall be allowed to increase his share in the capital stock of the said bank beyond the amount of one lakh and 60,000 rupees, excepting on occasion of any increase being made to the capital stock of the said bank, under the authority of the Governor-General in Council, in the manner prescribed in Section III. of this Act; in which case said proprietor holding stock to the full amount of one lakh and 60,000 on the general notwithstanding, be entitled to subscribe to the increased capital stock in any proportion, and excepting any addition to his interest in the said bank arising from succession, bequest or marriage.

IX. And it is hereby enacted, that the said share or shares in the account or as stock of the said bank shall be of the nature of personal estate of sale or purchase thereof respectively, and that the same shall be transferable by indorsement or more of be made on the certificates thereof respectively, under the hand of the proprietor of his of proprietors, or his, her or their attorney duly authorized, which indorsement shall specify the name of the person or persons to whom the said transfer shall be made: provided, that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such indorsement under the hand of an officer appointed for that purpose by the directors of the said bank.

X. And it is hereby enacted, that the said corporate body of the Bank of Bombay shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said bank shall be managed by nine directors, of whom three shall be appointed and removable by the Governor in Council of Bombay, and the remaining six shall be elected by the general meeting of the proprietors of the said bank, and shall be removable by vote, of the majority of a general meeting of the said proprietors.

XII. And it is hereby enacted, that the first directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be directors of the bank, together with six persons of those

ACTS of 1840.

whose names are inserted in the Schedule annexed to this Act, and who, being entitled to not less than 12 shares or 12,000 rupees of the capital stock of the said bank, shall be elected at a general meeting of the persons whose names are inserted in the said Schedule, to be held in the Town-hall of Bombay, at such time as the Governor in Council of Bombay may fix by public notification in the official Gazette of that presidency; and the election shall be made by the persons who, according to the Schedule hereunto annexed, may be entitled to shares of the capital stock of the bank; and the said persons shall vote at such election in person or by proxy, according to the quantity of stock respectively held by them, as if they were proprietors to all intents and purposes of the shares for which they are entitled to subscribe; and the directors so appointed shall appoint officers, and take all necessary steps for opening the bank when this Act shall take effect, for its incorporation; and the rotation amongst the six directors first appointed under the next preceding section shall be established according to the number of votes; the two directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XIII. And it is hereby enacted, that two of the six directors elected as provided in Section XII, and to be elected by the proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a general meeting of proprietors shall be held for the election of two directors in their stead: provided always, that any director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

XIV. And it is hereby enacted, that in case of the death, resignation or absence from Bombay for more than three months, or disqualification under Section XV., or removal as aforesaid, of any directors elected as provided in Section XII., or to be elected by the proprietors after the incorporation of the Bank of Bombay, the directors shall call a general meeting of the proprietors, to be held within 15 days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a director in the election of the proprietors, who shall not be proprietor in his own right and under 12 shares of 12,000 rupees of the capital stock of the Bank of Bombay, or who shall be a director of any other bank issuing notes payable on demand.

XVI. And it is hereby enacted, that at a general meeting of the proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share by the act of law, unless such transfer shall have been completed six weeks at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such general meetings the proprietors shall vote according to the following scale:

The proprietor of 4 shares of 1,000 rupees shall be entitled to 1 vote.

"	20	"	"	"	2	"
"	40	"	"	"	3	"
"	60	"	"	"	4	"
"	80	"	"	"	5	"
"	120	"	"	"	6	"
"	160	"	"	"	7	"

and no proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in writing, signed by one of the secretaries to Government, to any person whom the Governor of Bombay may appoint, to attend any general meeting of the proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, except upon the election or removal of such directors as are elected by the said proprietors.

XIX. And

XIX. And it is hereby enacted, that any proprietor or proprietors entitled to vote at any general meeting, may give a proxy in writing, either general or special, under his, her or their hand, or the hand of his, her or their attorney duly authorized, to any other proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matter or matters as shall be authorized by the tenor of such proxy. ACTS of 1840.

XX. And it is hereby enacted, that at the first meeting of the directors in every year, they shall choose a president from among themselves, and if the office of president shall become vacant, they shall, at their next meeting, choose a successor for the remainder of the current year; and that during any vacancy, or in the absence of the president, the senior director shall be vice-president for the time, and that such president or vice-president shall have the casting vote in all cases of an equal division of votes at meetings either of directors or proprietors.

XXI. And it is hereby enacted, that the presence of at least three directors shall be necessary to form a board for the transaction of business, and the said directors shall establish a weekly rotation among themselves, so that not less than three directors may attend every meeting of directors: provided always, that nothing herein contained shall be held to preclude any director from attending any meeting of directors.

XXII. And it is hereby enacted, that all accounts of the said bank, and all instruments not under seal, whereby the said bank can in any manner, be bound, except the cash notes of the said bank, shall be signed by three directors, and shall be of no validity unless so signed, and that the seal of the said bank shall not be affixed to any instrument except in the presence of three directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three directors, such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said directors shall have power to appoint such officers as may be necessary to conduct the business of the said bank, and to remove any officer of the said bank, and to fix the salaries of such officers, provided that the whole expense of the establishment of the said bank shall not in any one year exceed 60,000 rupees, without authority from the general meeting of the proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of secretary, treasurer, head accountant, or head shroff of the Bank of Bombay, shall engage in any other commercial business, either on his own account or as agent for any other person or persons, or act as a broker for the sale or purchase of Government securities, and that every person appointed to any one or more of the said offices shall give security to the directors for the faithful discharge of his duty, in the sum of 50,000 rupees.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business except the kinds of business hereafter specified; (that is to say)

1. The discounting of negotiable securities.
2. The keeping of cash accounts, including the realization of dividends and interest on Government securities to the credit of constituents of the bank.
3. Buying and selling of bills of exchange payable in India.
4. The lending of money on short loans.
5. The buying and selling of bullion.
6. The receiving of deposits.
7. The issuing and circulating of cash notes and bank post bills.
8. The selling of property or securities deposited in the bank as security for loans and not redeemed, or of property or securities recovered by the bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the directors of the said bank shall discount no negotiable security, and make no loan, unless the amount of cash in possession of the said bank, and ^{benefits} immediately available, shall be equal to at least

ACTS of 1840. one-fourth of all the claims against the said bank outstanding for the time being, and payable on demand.

XXVII. And it is hereby enacted, that the directors of the said Bank of Bombay shall not discount any negotiable securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any bank share or certificate of shares, nor on mortgage, or in any other manner on the security of any lands, houses or immovable property, nor on any negotiable security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms, unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm, either by way of discount, loan or in any other manner (saving by loans upon the deposit of Government securities, or goods not perishable as hereinafter mentioned), beyond the amount of three lakhs of Company's rupees: provided always, that the advances upon bills of exchange accepted by the Government, or upon other Government obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the directors of the said bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of public securities to the full amount of the loan, and which public securities shall be so indorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of goods of a perishable nature, and of estimated value exceeding the amount of the loan.

XXIX. And it is hereby enacted, that the said bank shall not advance to the Government more than seven lakhs and a half of rupees: provided always, that the holding of Government bills of exchange drawn upon the Government, or of other Government obligations derived to the said bank from individuals, and not subscribed and paid for by the bank, shall not be construed as being an advance to the Government within the meaning of this clause.

XXX. And it is hereby enacted, that the directors of the said Bank of Bombay shall not suffer any person or persons, or body corporate keeping an account with the said Bank of Bombay, to overdraw his, her or their account.

XXXI. And it is hereby enacted, that the said Bank of Bombay shall have the right to issue promissory notes, payable either on demand, or at a date not exceeding 30 days after sight, which notes shall and may be signed on behalf of the said bank by any person as the directors of the said bank may appoint or authorize in that behalf: provided always, that the total amount of such notes in circulation at any one time shall not exceed two crores of rupees: and provided also, that no such notes shall be for a smaller amount than 10 rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said bank to make, issue or negotiate any note, bill or other instrument containing any promise, undertaking or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the directors of the said Bank of Bombay to receive in deposit goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the directors of the said bank shall cause the books of the said bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said directors, shall be forthwith transmitted to one of the secretaries to the Governor in Council of Bombay, and that the Governor in Council of Bombay shall at all times be entitled to require of the said directors any information touching the affairs of the said bank, and the production of any documents of the said bank, and that the said directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said bank shall be taken half-yearly on the 1st day of January and the 1st day of July.

July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the directors of the said bank, on the ground of the actual profits made by the said bank during the six calendar months preceding the day up to which such half-yearly account shall be taken: provided, that such reasonable expenses as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said directors, be paid out of the funds of the bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the bank at the discretion of the directors: and provided, that the said directors shall have power, when they see fit, to set apart from such profits a sum not exceeding five per cent. on the capital stock of the bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a general meeting of the proprietors of the capital stock of the said bank shall be held, at which the directors of the said bank shall submit to the said proprietors a statement of the affairs of the said bank made up to the preceding 30th of June, and such general meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said bank, which shall be binding on the directors and officers of the bank, and on the proprietors thereof, until rescinded or modified respectively by any subsequent general meeting.

XXXVII. And it is hereby enacted, that any three of the said directors of the said bank, or any 10 proprietors of the capital stock of the said bank, may at any time convene a general meeting of the proprietors, upon giving 15 days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the directors of the said bank for the time being, as also by public advertisement in the official Gazette of Bombay.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council of Bombay, to establish branch banks at such places, and under such rules and restrictions, as shall be determined by the proprietors at their general meetings: provided, however, that such branch banks, when so established, besides being subject to the rules and restrictions that may be imposed by the proprietors, and to the control and orders of the directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

XXXIX. And it is further enacted, that if any of the said proprietors shall become indebted to the said bank, it shall be lawful for the said bank to withhold payment of the dividends on the share or shares of such proprietor registered as his or her own property, and not as held in trust, or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment, and notice in that behalf given, either to such proprietor, or his or her constituted agent, or by public advertisement in the official Gazette, it shall be lawful for the said bank to refuse registration of the transfer of any such share or shares of such proprietor until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietor, or his or her lawful representative.

XL. And it is further enacted, that the said bank shall continue as hereby constituted until the 1st day of April which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified: provided, however, that after the said 1st day of April 1847, the said bank shall not, except upon the application or by the consent of the said bank, be dissolved, or anywise modified, without previous notice of 12 months at the least being given to the directors of the said bank for the time being of such intended dissolution or modification: provided also, that in the event of the said bank at any time suspending cash payments, the benefits granted to the said bank by the present Act of Incorporation shall be thenceforth forfeited.

ACTS of 1840.

SCHEDULE of the Names of the Shareholders in the Bank of Bombay.

Ayrton, F.	-	-	-	14	Cowasjee Manookjee Bhaudoop	-	75
Atkinson, Hugh	-	-	-	5	Cursetjee Cowasjee Bhadoop	-	50
Ashburner, Luke	-	-	-	75	Cowasjee Hormusjee Mama	-	5
Ashburner, George	-	-	-	75	Cursetjee Dorabjee	-	2
Anderson, C. W.	-	-	-	23	Cursetjee Rustomjee	-	2
Aganoor, James	-	-	-	1	Campbell, Major Neil	-	9
Arnott, F. S.	-	-	-	1	Cowasjee Dhunjee	-	2
Allan, Wm.	-	-	-	9	Cursetjee Nasserwanjee	-	7
Asponkerjee Dossaboy	-	-	-	1	Chedanund Dennsejee	-	1
Atmaram Kesson Bhandaree	-	-	-	20	Cowasjee Eduljee Mody	-	5
Aga Mahomed Currim	-	-	-	9	Cristnath Narronjee	-	9
Aga Mahomed Rahim Serazee	-	-	-	23	Cowasjee Framjee	-	5
Anundrow Vencajee	-	-	-	5	Dickenson, Colonel	-	23
Ardaseer Hormusjee Santook	-	-	-	1	Dadaboy Rutunjee	-	4
Anundrow Ragoonathjee	-	-	-	2	Dinshaw Nanabhoy Damon	-	5
Anundro Gunput Senoy	-	-	-	2	Davies, J. M.	-	5
Ardaseer Framjee Dawar	-	-	-	5	Doveton, Bazett	-	18
Ardaseer Byramjee Fuckerjee	-	-	-	2	Dhunjeebhoy Cursetjee	-	5
Bagnold, Colonel M. E.	-	-	-	20	Davidson, F. M.	-	20
Bax, John	-	-	-	11	Dossabhoy Framjee Mama	-	5
Brown, F. C.	-	-	-	23	Dinshaw Furdonjee	-	9
Bainbridge, J. H.	-	-	-	75	De Silva, Mariana	-	1
Brooks, Colonel G. B.	-	-	-	9	De Jesus, Manoel	-	5
Barr, Colonel D.	-	-	-	20	Don, James	-	9
Barr, H. J.	-	-	-	3	Deos Remedies Ignacio	-	2
Barr, J. T.	-	-	-	2	Dorabjee Muncherjee	-	3
Byramjee Muncherjee	-	-	-	1	Dossabhoy Merwanjee	-	5
Bonamy, Captain J.	-	-	-	23	Dossabhoy Cursetjee Wadia	-	5
Borradaile, H.	-	-	-	23	Dossabhoy Jamsetjee	-	5
Barretto, Joao	-	-	-	1	De Silla, Pascoal M.	-	10
Beck, W. W.	-	-	-	1	Dossabhoy Sorabjee Moonshee	-	9
Ball, H.	-	-	-	2	Dossabhoy Jamsetjee Wadia	-	5
Bocarro, J. J.	-	-	-	1	Dent, C. R.	-	9
Bird, James	-	-	-	14	Denhaw Hurmusjee Patell	-	2
Bruce, W. C.	-	-	-	9	Dhunjeebhoy Merwanjee Wadia	-	5
Brown, F. C.	-	-	-	9	Davidson, Duncan	-	2
Burt, Thomas William	-	-	-	14	Dedshaw Rustomjee	-	3
Burjoojee Manockjee Chenae	-	-	-	2	Denshaw Dadabhoy Gandee	-	1
Bappoo Ragoonath Josey	-	-	-	3	Daughters, Six, of Framjee Cowasjee	-	27
Bhasker, Sunderjee	-	-	-	2	Dadabhoy Pestonjee	-	75
Byramjee Dadabhoy Cursetjilah	-	-	-	3	Egan, J. B.	-	9
Byramjee Solabjee Guzdeer	-	-	-	9	Elliott, A. W.	-	2
Buchdabhoy Merwanjee	-	-	-	3	Eisdale, D. A.	-	8
Bowany Sunker Ransord Senoy	-	-	-	2	Elliott, G. L.	-	9
Bomanjee Muncherjee Guzurat	-	-	-	2	Earle, Capt. E. M.	-	1
Bhimjee Dhunjee Woomrigur	-	-	-	9	Ennis, Capt. E. M.	-	1
Caujee Chatoor	-	-	-	14	Edmond, Wm.	-	18
Cowasjee Manikjee	-	-	-	1	Eduljee Framjee Coranee	-	3
Church, W.	-	-	-	50	Fraser, Simon	-	70
Cowasjee Narrabhoy	-	-	-	5	Framjee Nanabhoy	-	5
Cogan, Capt. R.	-	-	-	20	Frith, I. G.	-	24
Caldecott, John	-	-	-	10	Fletcher, Alexander, as trustee of	-	
Clibborn, Capt. Thomas	-	-	-	5	Messrs. Fergusson, Turner & Co.	-	75
Coghlan, W.	-	-	-	9	Furdonjee Lunjee	-	10
Cardwell, Thomas	-	-	-	10	Framjee Nasserwanjee	-	9
Collett, L. A.	-	-	-	9	Framjee Ruttonjee	-	19
Cursetjee Ardaseer	-	-	-	75	Framjee Cowasjee	-	67
Cursetjee Ardaseer, trustee to his	-	-	-		Foster, Capt. Robert	-	9
daughter	-	-	-	75	Framjee Jewajee Gandena	-	9
Cursetjee Cowasjee Banajee	-	-	-	50	Framjee Muncherjee Colah	-	9
Cowasjee Manookjee Billiah	-	-	-	1	Framjee Coonverjee	-	2

Framjee

GOVERNMENT OF INDIA.

9

Schedule of the Names of the Shareholders, &c.—*continued.*

ACTS of 1840.

Framjee Nasserwanjee Patell	- 20	Langford, J. W.	- 27
Fearon, Col. P.	- 23	Lodwick, Col. P.	- 45
Framjee Cowasjee, Mrs.	- 14	Lowjee Muncherjee Wadia	- 23
Fraser, J.	- 18	Loyola Ge Ignacio	- 1
Fraser, H. B. (C. S.)	- 14	Merwanjee Dadabhoy Wadia	- 14
Gordon, H. G.	- 75	Maleolm, Capt. Sir Charles	- 10
Graham, John	- 10	Moor, Major G.	- 20
Greenhill, David	- 75	Mackie, Wm.	- 50
Grey, W. S.	- 45	Manockjee Nowrojee	- 10
Gunput Bapsia Bhandaree	- 7	Morris, W. R.	- 37
Gama, J. C.	- 9	Morgan, E. C.	- 75
Griffith, Col. J. G.	- 7	Madoo Narron	- 50
Gunputron Sudaseerjee	- 2	Murphy, R. X.	- 14
Gordon, Col. G. T.	- 23	Manockjee Nasserwanjee Petty	- 10
Grandchildren of Framjee Cowasjee	- 18	Mainwaring, W.	- 6
Hunter, Walter	- 29	Mant, G. J.	- 5
Hunter, W. F.	- 20	Milne, John, Jr.	- 21
Henderson, Capt. W.	- 50	McLeod, John	- 5
Henderson, Alex.	- 9	McDonald, J. M.	- 25
Henderson, Dr.	- 5	Muncherjee Framjee Cama	- 45
Hyslop, J.	- 3	Merwanjee Lunjee	- 5
Hurmusjee Perstonjee Bottlewalla	- 2	Merwanjee Hormasjee	- 5
Hormusjee Pestonjee	- 3	Muncherjee Burgorjee Mody	- 11
Hemson, John	- 1	Muncherjee Hormasjee Cama	- 11
Howard, Wm.	- 10	Merwanjee Khodabux	- 23
Hormusjee Monockjee Major	- 2	Morgan, Capt. W.	- 18
Hutchinson, Frederick	- 3	Manockjee Cursetjee Jewajee	- 9
Heerjeebhoy Nursungjee	- 1	McCallum, Wm.	- 9
Hebbert, W. G.	- 2	McMahon, Capt. B.	- 9
Hall, Capt. J. H.	- 1	Mackinlay, Capt. J. H.	- 36
Hollings, Lieut. G. E.	- 9	Munro, C. G. G.	- 1
Hutt, B., Esq.	- 2	Mumohun Dass Davidass	- 18
Ironside, Hon. Edward	- 50	Manockjee Cursetjee	- 3
Jangle, H.	- 3	Madowrow Rogoonathjee	- 2
Jehangeer Nasserwanjee Wadia	- 20	Murray, J.	- 9
Jameson, Capt. G. J.	- 5	Mackenzie, Rebecca	- 9
James, Col. C. B.	- 15	Moyle, J. G.	- 9
Jeejeebhoy Dadabhoy	- 19	Malvery, J. J.	- 4
Jeejeebhoy Byramjee	- 2	Moyle, Dr. A.	- 9
Jehangeer Framjee Josawalla	- 9	Manockjee Muncherjee	- 1
Jehangeer Byramjee	- 5	Manockjee Lunjee	- 5
Jemetjee Merwanjee Cacah	- 2	Merwanjee Framjee	- 4
Jaganath Sunkersett	- 68	Merwanjee Byramjee Luckaree	- 1
Jehangeer Nasserwanjee Wadia, for		Merwanjee Aspondiarjee	- 9
his sister Soneboy	- 18	Miller, John	- 45
Jamsetjee Burjorjee	- 1	McLennan, John	- 23
Jehangeer Framjee Cowasjee	- 9	Newport, Capt. C.	- 50
Jamardonjee Abbajee	- 1	Nesserwanjee Eduljee Paruck	- 2
Kennett, Capt. V. F.	- 5	Nicol, S. D.	- 25
Keshow Runsordjee	- 5	Nanabhoy Nowrojee	- 8
Kennett, Col. B.	- 9	Nesserwanjee Nowrojee	- 18
Kennedy, R. H.	- 9	Nowrojee Cowasjee	- 2
Khemchund Hureebund	- 5	Nainsey Thackersay	- 5
Khemchund Motecchand	- 23	Naylor, Capt. C. J.	- 2
Luis, Thomas	- 1	Norowjee Rustomjee Nadarshaw	- 4
Little, James	- 10	Owen, H. F.	- 33
Lela Mohun Pasta	- 5	Ogilvie, Col. J.	- 30
Landon, S.	- 2	Owen, Mrs. H. F. (her trustees)	- 15
Larkins, J. P.	- 23	Orton, J.	- 14
Lindsay, —	- 22	Ord, Capt. Richard	- 9
Le Messurier, A. S.	- 9	Ottley, W. J.	- 2

ACTS of 1840.

Schedule of the Names of the Shareholders, &c.—*continued.*

Palanjee Pestonjee	-	-	-	9	Salter, General James F.	-	-	27
Pollexfen, George	-	-	-	18	Smyttan, George	-	-	18
Penley, Capt. G. F.	-	-	-	5	Scott, John	-	-	9
Patch, James	-	-	-	61	Succaram Rugoonath Josey	-	-	2
Patch, John	-	-	-	5	Sorabjee Rustomjee	-	-	8
Powell, Col. Thomas	-	-	-	23	Sorabjee Dorabjee	-	-	3
Powell, Col. S.	-	-	-	18	Sapoorjee Sorabjee Patell	-	-	2
Pestonjee Framjee	-	-	-	4	Seitz, Mrs. M. A. R.	-	-	1
Pestonjee Cursetjee Cama	-	-	-	2	Seton, Capt. Bruce	-	-	9
Pestonjee Dadabhoy Wadia	-	-	-	8	Saunders, Capt. J.	-	-	2
Pallonjee Dhumjee	-	-	-	5	Sorabjee Eduljee Majorna	-	-	3
Phillips, J. L.	-	-	-	9	Sunker Venoo Senoy	-	-	1
Pestonjee Hormusjee Mama	-	-	-	5	Smith, Robert	-	-	50
Pestonjee Hormusjee (Anderson)	-	-	-	5	Saunders, Frederick	-	-	3
Pestonjee Hormusjee Santook	-	-	-	1	Savuckloll Virzloll	-	-	9
Preedy, H. W.	-	-	-	1	Simson, J. B.	-	-	19
Pringle, Capt. A. W.	-	-	-	9	Stubbs, W.	-	-	9
Poondlick Ramsord Leony	-	-	-	1	Stewart, C. S.	-	-	23
Palonjee Eduljee	-	-	-	9	Stewart, Alexander	-	-	5
Paul, Capt. G. J. C.	-	-	-	9	St. John, Robert	-	-	1
Pestonjee Framjee Cowasjee	-	-	-	9	Sutherland, G.	-	-	3
Pestonjee Rustomjee	-	-	-	5	Torah Suxuma	-	-	5
Pottinger, Col. Henry	-	-	-	20	Tamer, Thomas	-	-	4
Premjeeewan Anoopdass	-	-	-	18	Turner, Capt. W.	-	-	4
Pew, Major G. L.	-	-	-	68	Tarrachund Vassoonjee	-	-	5
Prinsep, G. A.	-	-	-	45	Thomson, W.	-	-	27
Pursotum Das Pranjeewandas	-	-	-	27	Truscott, C. H.	-	-	45
Richmond, F. R.	-	-	-	10	Tyler, W. H.	-	-	18
Robertson, Col. Archibald	-	-	-	75	Valiant, Col. T.	-	-	9
Robertson, Major H. D.	-	-	-	15	Vaughan, J., Esq.	-	-	18
Robertson, Hy. Morris	-	-	-	23	Venerajee Merjee	-	-	14
Roberts, Walter	-	-	-	10	Vibart, John	-	-	18
Ross, John	-	-	-	18	Wright, J.	-	-	25
Ragoonath Crustna Josey	-	-	-	4	Willoughby, J. P.	-	-	25
Rowland, Capt. J. H.	-	-	-	23	Wood, Col. E. M.	-	-	20
Rose, Capt. W.	-	-	-	5	Wood, Col. E. M. (as trustee for	-	-	
Robson, Thomas	-	-	-	1	Mrs. H. Morgan)	-	-	30
Rustomjee Sorabjee Mody	-	-	-	1	Wuckutchund Cooshalchund	-	-	27
Ruttonjee Dadabhoy Cola	-	-	-	54	Wathen, W. H.	-	-	25
Ruttonjee Cursetjee	-	-	-	3	Williamson, Thomas	-	-	38
Rogaba Jeemab	-	-	-	5	Whitehill, Col. Stephen	-	-	18
Rooganath H. B. Freechundjee	-	-	-	5	Wassodew Wissoanathjee	-	-	5
Ragoonath Camoo Senoy	-	-	-	2	Wittoba Wassodewjee	-	-	1
Rustomjee Hormusjee Cama	-	-	-	1	Watson, H. B.	-	-	3
Reynolds, P. A.	-	-	-	9	Watson, J. W.	-	-	9
Santokejee Nanabhoy	-	-	-	5	Wiltshire, Col. Thomas	-	-	68
Spiller, Major W.	-	-	-	10	Wight, Robert	-	-	9
Scott, Dr. J.	-	-	-	5	Ward, Mary Ann	-	-	11
Sprott, Capt. W.	-	-	-	14	Watkins, F. W.	-	-	5
Swanson, Capt. J.	-	-	-	24	Wilson, Capt. J. H.	-	-	5
Skinner, John	-	-	-	50	Wilson, Lieut.-Col. P. P.	-	-	2
Stuart, G. A.	-	-	-	9	Waddington, Capt. G.	-	-	45
Sorabjee Cowasjee	-	-	-	9	Weeks, F. P.	-	-	9
Sinclair, James	-	-	-	40	Warden, John	-	-	9
Simson, Wm.	-	-	-	20	Young, D. A.	-	-	18

5,208

Note.—In the event of the death before the 1st April 1840 of any individuals in the above Schedule, the shares against their names shall be the property of their estates.

ACT

ACT No. IV. of 1840.

ACTS of 1840

Passed by the Right Honourable the Governor-General of India in Council
on the 17th February 1840.

AN ACT for preventing Affrays concerning the Possession of Land, and for providing Relief in cases of forcible Dispossession, within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV. of 1824, and to amend the law for preventing affrays concerning the possession of land, and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others :

It is hereby enacted, that Regulation XLIX. of 1793; Regulation XIV. of 1795; Regulation XXXII. of 1803; Section V., Regulation VI. of 1813; Regulation XV. of 1824; and Regulation II. of 1829, of the Bengal code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that whenever any magistrate, or other officer exercising the powers of a magistrate, may be certified that a dispute likely to induce a breach of the peace exists concerning any land, premises, water, fisheries, crops, or other produce of land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether proprietors, dependent talookdars, farmers, under-farmers, ryots or other persons) to attend his court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute; and the magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose, and, after satisfying himself upon that point, shall record a proceeding, declaring the party whom he may decide to have been in such possession to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time; and, if necessary, the magistrate, or other officer as aforesaid, shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent court.

III. And it is hereby enacted, that if the magistrate, or other officer as aforesaid, shall, in the cases mentioned in Section II. of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent court, giving the collector information of the attachment; and if the subject of dispute be land, the provisions of Regulation V. of 1827 regarding attachment by order of a zillah or city court shall apply to attachments by order of a magistrate, or other officer as aforesaid, made under this section.

IV. And it is hereby enacted, that if any party shall complain to a magistrate, or other officer as aforesaid, that he has been, without authority of law, forcibly dispossessed of any land, premises, water, fisheries, crops or other produce of land, within the jurisdiction of such magistrate, or other officer as aforesaid, whether the same were possessed by such party as proprietor, dependent talookdar, farmer, under-farmer, ryot or otherwise, the magistrate, or other officer as aforesaid, shall require the party or parties complained against, and any other parties concerned, to appear and make defence in person, or by agent, within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent court: provided, that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession.

ACTS of 1840.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly-formed land, whereof it shall appear to the magistrate, or other officer as aforesaid, that no party has ever had possession, the magistrate, or other officer as aforesaid, shall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent court.

VI. And it is hereby enacted, that if a dispute arises concerning the right of use of any land or water, the magistrate, or other officer as aforesaid, within whose jurisdiction the subject of dispute lies, may inquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said magistrate or other officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent court adjudging him to be entitled to such exclusive possession: provided, that the magistrate, or other officer as aforesaid, shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons, unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a magistrate, or other officer with the powers of a magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding 200 rupees, commutable if not paid to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII. And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner, under the Regulations and laws that are or may be in force relating to appeals from the orders of magistrates, or other officers exercising the powers of magistrates.

IX. And it is hereby enacted, that in cases instituted under this Act, the magistrate, or other officer as aforesaid, is authorized, with the consent of all the parties, to refer the matter in dispute, so far as it is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of a magistrate, or other officer as aforesaid.

X. And it is hereby provided, that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the settlements of Prince of Wales' Island, Singapore or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

ACT No. V. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 24th of February 1840.

AN ACT concerning the Oaths and Declarations of Hindoos and Mahometans.

I. Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings:

It is hereby enacted, that, except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid

aforesaid within the territories of the East India Company shall make affirmation ACTS of 1840.
to the following effect :—

“ I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing, which, if the same had been sworn before the passing of this Act, would have amounted to perjury, every such offender shall be subject in all courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the 2d section of this Act shall be subject in all courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any declaration made under the authority of Act No. XXI. of 1837, nor to any declaration or affirmation made in any of Her Majesty's courts of justice.

ACT No. VI. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 2d of March, 1840.

An Act for the Amendment of the Law concerning the Negotiation of Bills of Exchange.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company the amendments of the law respecting bills of exchange contained in the Statutes 58 Geo 3, c. 93; 1 & 2 Geo. 4, c. 78; 6 & 7 Will. 4, c. 58; 2 & 3 Will. 4, c. 98;

It is hereby enacted, that from and after the 1st day of May, in the year of our Lord 1840, if any person shall accept a bill of exchange payable at any other place than at his own place of residence, without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance; but if the acceptor shall, in his acceptance, express that he accepts the bill, payable at such other place only, and not otherwise or elsewhere, such acceptance shall be deemed and taken to be, to all intents and purposes, a qualified acceptance of such bill, and the acceptor shall not be liable to pay such bill, except in default of payment when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid no acceptance of any bill of exchange, drawn within the territories of the East India Company, shall be sufficient to charge any person unless such acceptance be in writing on such bill, or, if there be more than one part of such bill, on one of the said parts.

III. And it is hereby enacted, that it shall not be necessary to present bills of exchange accepted *supra* protest for honour, or having a reference thereon in case of need to the acceptor or acceptors for honour, or to the referees, until the day following the day on which such bills of exchange shall become due; and if the place of address on any such bill of exchange of such acceptor or acceptors for honour, or of such referee or referees, be other than where such bill shall therein be made payable, then it shall not be necessary to forward such bill of exchange for presentment, payment to such acceptor or acceptors for honour, or referee or referees, until the day following the day on which such bill of exchange shall become due.

IV. And it is hereby enacted, that all bills of exchange, wherein the drawer or drawers thereof shall have expressed that such bills of exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on the

ACTS of 1840. presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such bills of exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such bills of exchange shall have been paid to the holder or holders thereof on the day on which such bill would have become payable had the same been duly accepted.

V. And it is hereby enacted, that no bill of exchange or promissory note that shall be drawn or made after the passing of this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void in the hands of an indorsee for valuable consideration, unless such indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such bill of exchange or promissory note had been originally given for a usurious consideration, or upon a usurious contract.

VI. And it is hereby provided, that this Act shall not be construed to extend to affect bills of exchange or promissory notes in any case which, but for the passing of this Act, would not be governed by the law of England, or to extend or alter the jurisdiction of any of Her Majesty's courts of justice.

ACT No. VII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 30th March 1840.

AN ACT for authorizing the Appointment of uncovenanted Servants to the Offices of Deputy-Register and Assistant-Register to the Sudder Courts of the Presidency of Fort William in Bengal.

It is hereby enacted, that whenever the Governor of Bengal, and the Lieutenant-Governor, or other authority exercising the powers of Lieutenant-Governor of the north-western provinces, shall deem it expedient to appoint any persons, not being [covenanted servants, to the offices of deputy-register or assistant-register to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those courts to assign to the officers above named any duties at present performed by their registers.

ACT No. VIII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th April 1840.

AN ACT concerning the signing of Awards by the Members of Panchayets.

It is hereby enacted, that in cases where the minority of the members of a punchayet, held under the provisions of the Madras code, may decline to sign the award of the punchayet, the signature or mark of the majority shall be sufficient to give legal validity to the award: provided always, that in such cases it shall be incumbent on such majority to admit the minority to record and attest by their mark or signature their reasons for declining to sign or mark the award passed by the majority.

ACT No. IX. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th of April 1840.

AN ACT for amending the Law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages and interested Witnesses.

I. Whereas it is expedient to extend to the territories of the East India Company certain provisions of the Statute 3 & 4 Will. 4, c. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore incident to arbitrations, for the insufficient damages to which injured parties were limited by the

the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence in consequence of having some interest in the event of the suit to which their testimony relates; ACTS of 1840.

It is hereby enacted, that, in order to render the rejection of witnesses on the ground of interest less frequent, if any witness shall be objected to in any of Her Majesty's courts of justice as incompetent on the ground that the verdict or judgment in the action on which it shall be proposed to examine him would be admissible in evidence for or against him, such witness shall nevertheless be examined; but in that case a verdict or judgment in that action in favour of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined be admissible in evidence against him or any one claiming under him. 3 & 4 Will. 4, c. 42, s. 26.

II. And it is hereby enacted, that the court on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's courts of justice may, if it shall think fit, give damages in the nature of interest over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass *de bonis asportatis*, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act. 3 & 4 Will. 4, c. 42, s. 29.

III. And it is hereby enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of court, or judge's order, or order of reference, in any action now brought or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's courts, shall not be revocable by any party to such reference without the leave of the court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a judge; and the arbitrator or umpire shall and may and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the court or any judge thereof may from time to time enlarge the term for any such arbitrator making his award. 3 & 4 Will. 4, c. 42, s. 39.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any judge, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned, in such rule or order; and the disobedience to any such rule or order shall be deemed a contempt of court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators, or by the umpire, before whom the attendance is required, shall also be served either together with or after the service of such rule or order: provided always, that every person whose attendance shall be so required shall be entitled to the like conduct money, and payment of expenses and for loss of time, as for and upon attendance at any trial: provided also, that the application made to such court or judge for such rule or order shall set forth the place where such witness is residing at the time, or satisfy such court or judge that such person cannot be found: provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order. 3 & 4 Will. 4, c. 42, s. 40.

V. And it is hereby enacted, that when in any rule or order of reference, or in any submission to arbitration containing an agreement that the submission shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators or umpire, or any one arbitrator, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall 3 & 4 Will. 4, c. 42, s. 41.

ACTS of 1840. shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

VI. And it is hereby enacted, that this Act shall take effect in Calcutta from the day of its passing, and at Madras and Bombay after the expiration of 30 days from such day, and in the Straits' Settlements after the expiration of 60 days from such day.

ACT No. X. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th April 1840.

An Act for the Abolition of certain Pilgrim Taxes, and for the Superintendence of the Temple of Juggernath.

I. Whereas it is considered proper to abolish the exaction of all taxes or fees upon pilgrims resorting to Allahabad, Gya and Juggernath, and to transfer the charge of the affairs of the Juggernath Temple exclusively to a competent Hindoo superintendent, under a full responsibility to the established courts of justice, for the redress of any violence or wrong, upon the application of any party interested ;

It is hereby enacted, that so much of Sect. XXXI., Reg. XII., of 1805, as provides for the continuance of the duties levied from pilgrims at Juggernath ; so much of Sect. IV., Reg. XXVII., of 1793, as provides for the continuance of the duties levied on pilgrims at Gya and other places of pilgrimage ; Reg. IV. of 1806 ; Reg. V. of 1806 ; Sec. IX., Reg. VI., of 1808 ; Reg. IV. of 1809 ; Sec. IV., Reg. IV., of 1810 ; Reg. XI. of 1810 ; and Reg. XVIII. of 1810, are repealed.

II. And it is hereby enacted, that the superintendence of the temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the priests, officers and servants attached to the temple, shall continue vested in the rajah of Khoorda for the time being : provided always, that the said rajah and all persons connected with the said temple shall on all occasions be guided by the recorded rules and institutions of the temple, or by ancient and established usage, so far as the same may be consistent with the provisions of this Act.

III. And it is hereby enacted, that the said rajah of Khoorda shall not receive, or allow to be received by any person connected with the said temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said temple, for the performance of religious ceremonies.

IV. And it is hereby declared and enacted, that the said rajah, and all priests, officers and servants attached to the said temple, are and shall be liable to be sued or prosecuted, by any party interested, in any civil or criminal court of competent jurisdiction, for any breach of trust or official misfeasance committed in the conduct of their duties, or for any extortion or illegal violence exercised upon pilgrims or others under colour of the authority conveyed by this Act.

ACT No. XI. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th April 1840.

An Act for the Presidency of Bombay, amending the Law concerning Prisoners sentenced to Labour or Solitude.

I. It is hereby enacted, in modification of Clause 2, Section XLV., Regulation XIII., of 1827, of the Bombay code, that no prisoner confined in any part of the provinces under the presidency of Bombay shall be forced to labour in any manner, or be confined solitarily, unless such labour or solitary confinement be expressly directed by the sentence of the court under whose warrant he is confined ; and no prisoner shall be forced to labour or be confined solitarily otherwise than according to his sentence.

II. And

II. And it is hereby enacted, in modification of Clause 1, Section VII., Regulation XIV., of 1829, of the Bombay code, that wherever under the laws in force under that presidency a prisoner may be sentenced to imprisonment with labour, it shall be lawful for the court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labour.

III. And it is hereby provided, that nothing in this Act contained shall be construed to be applicable to convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline.

ACT No. XII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 8th of June 1840.

AN ACT for extending Act XII. of 1839 (relating to the Assessment of Dwelling-houses and Buildings within and beyond the Limits of the Towns of George Town, Singapore and Malacca) to Grounds not covered with Houses or Buildings.

I. It is hereby enacted, that from the 1st day of January in the year of our Lord 1841, an assessment shall be levied on all lands not covered with houses or buildings within the limits of the towns of George Town, Singapore and Malacca, according to the real annual values thereof, at a rate not exceeding 10 per cent. of such annual values.

II. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all property of the nature described in the foregoing section, but which shall be situated beyond the limits of the aforesaid towns, at a rate not exceeding five per cent. on the annual rent or value thereof.

III. And it is hereby enacted and provided, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than 10 Spanish dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

IV. And it is hereby enacted, that all the provisions of Act No. XII. of 1839, applicable to the assessment of houses and buildings, shall be applied to the assessment of grounds not covered by houses or buildings, and which are subjected to assessment by this Act.

ACT No. XIII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 29th of June 1840.

AN ACT for the Amendment of the Law regarding Factors, by extending to the Territories of the East India Company, in cases governed by English Law, the Provisions of the Statute 4 Geo. 4, c. 83, as altered and amended by the Statute 6 Geo. 4, c. 94.

It is hereby enacted, that the Statute of the 4 Geo. 4, c. 83, as altered and amended by the Statute of 6 Geo. 4, c. 94, shall be extended to the territories of the East India Company: provided always, that this Act shall not be construed to affect any case which would not have been governed by the law of England, before the passing of the aforesaid Statutes, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's courts of justice.

The Statutes hereby extended to the territories of the East India Company are as follows:—

4 GEO. IV., c. 83.

AN ACT for the better Protection of the Property of Merchants and Others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents. (18th July 1823.)

Whereas it has been found that the law, as it now stands, relating to goods shipped in the names of persons who are not the actual proprietors thereof,
58. c. and

ACTS of 1840.

Persons in whose names goods shall be shipped shall be deemed the owners, so as to entitle consignees to a lien thereon, as herein mentioned.

and to the deposit or pledge of goods, affords great facility to fraud, produces frequent litigation, and proves in its effects highly injurious to the interests of commerce in general; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any goods, wares or merchandize, and by whom such goods, wares or merchandize shall be shipped, in his, her or their own name or names, or in whose name or names any goods, wares or merchandize shall be shipped by other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares or merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares and merchandize: provided such consignee or consignees shall not have notice, by the bill of lading for the delivery of such goods, wares or merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security, in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any goods, wares or merchandize shall be shipped by any person or persons, is or are not the actual and *bona fide* owner or owners, proprietor or proprietors of such goods, wares and merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in anywise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares or merchandize are so shipped as aforesaid, shall be taken for the purposes of this Act to have been intrusted therewith, unless the contrary thereof shall appear or be shown in evidence by any person disputing such fact.

Any person may take goods or bill of lading in deposit from consignee, but shall not acquire any further right than consignee possessed.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any goods, wares or merchandize, or the bill or bills of lading for the delivery thereof, in deposit or pledge from any consignee or consignees thereof; but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title or interest in or upon or to the said goods, wares or merchandize, or any bill of lading for the delivery thereof, than was possessed or could or might have been enforced by the said consignee or consignees at the time of such deposit or pledge as a security as aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess and enforce such right, title or interest as was possessed and might have been enforced by such consignee or consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage or custom to the contrary notwithstanding.

Right of owner to follow his goods while in the hands of his agent, or of his assignees in case of bankruptcy, or to recover them from assignees, &c. upon paying his advances secured upon them, &c.

III. Provided always, that nothing herein contained shall be deemed, construed or taken to deprive or prevent the true owner or owners, proprietor or proprietors of such goods, wares or merchandize from demanding and recovering the same from his, her or their factor or factors, agent or agents, before the same shall have been so deposited or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her or their bankruptcy; nor to prevent any such owner or owners, proprietor or proprietors, from demanding or recovering of and from any person or persons, or of or from the assignees of any person or persons, in case of his or her bankruptcy, or of or from any body or bodies politic or corporate, such goods, wares or merchandize so consigned, deposited or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her or their assignee or assignees, or such body or bodies politic or corporate, may be entitled to any lien upon such goods, wares or merchandize, nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her or their hands,

hands, as the produce of the sale of such goods, wares or merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid: provided always, that in case of the bankruptcy of such factor or agent, the owner of the goods so pledged and redeemed as aforesaid shall be held to have discharged, *pro tanto*, the debt due by him to the bankrupt's estate.

ACTS of 1840.

Proviso as to bankruptcy of factor.

6 Geo. IV., c. 94.

An Act to alter and amend an Act for the better Protection of the Property of Merchants and Others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares or Merchandizes intrusted to Factors or Agents.

Whereas an Act passed in the fourth year of the reign of his present Majesty, intitled, "An Act for the better Protection of the Property of Merchants and Others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares or Merchandize intrusted to Factors or Agents:" and whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided; be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of consignment or of sale, with any goods, wares or merchandize, and who shall have shipped such goods, wares or merchandize in his, her or their own name or names, and any person or persons in whose name or names any goods, wares or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares or merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them, to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares and merchandize: provided such consignee or consignees shall not have notice, by the bill of lading for the delivery of such goods, wares or merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any goods, wares or merchandize shall be shipped by any person or persons, is, or are not the actual and *bond fide* owner or owners, proprietor or proprietors of such goods, wares and merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in anywise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares or merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear or be shown in evidence by any person disputing such fact.

Factors or agents having goods or merchandize in their possession shall be deemed to be true owners, so as to give validity to contracts with persons dealing *bond fide* upon the faith of such property.

II. And be it further enacted, that from and after the 1st day of October 1826, any person or persons intrusted with and in possession of any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, wharfinger's certificate, warrant or order for delivery of goods, shall be deemed and taken to be the true owner or owners of the goods, wares and merchandize described and mentioned in the said several documents hereinbefore stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid with any person or persons, body or bodies politic or corporate, for the sale or disposition of the said goods, wares and merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies politic or corporate, upon the faith of such several documents or either of them: provided such person or persons, body or bodies politic or corporate, shall not have

Persons in possession of bills of lading, &c. to be the owners, so as to make valid contracts.

ACTS of 1840.

No person to acquire a security upon goods in the hands of an agent for an antecedent debt beyond the amount of the agent's interest in the goods.

Persons may contract with known agents in the ordinary course of business, or out of that course, if within the agent's authority.

Persons may accept and take goods, &c. in pledge from known agents, but in that case shall acquire no further interest than was possessed by such agent at the time of such pledge.

Right of the true owner to follow his goods while in the hands of his agent, or of his assignee in case of bankruptcy, or to recover

notice, by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bond fide* owner or owners, proprietor or proprietors of such goods, wares or merchandize so sold or deposited or pledged as aforesaid, any law, usage or custom to the contrary thereof in anywise notwithstanding.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies politic or corporate, shall, after the passing of this Act, accept and take any such goods, wares or merchandize in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares or merchandize in deposit or pledge, shall acquire no further or other right, title or interest in or upon or to the said goods, wares or merchandize, or any such document as aforesaid, than was possessed or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge, as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares or merchandize in deposit or pledge, shall and may acquire, possess and enforce such right, title or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid, any rule of law, usage or custom to the contrary notwithstanding.

IV. And be it further enacted, that from and after the 1st day of October 1826, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to contract with any agent or agents intrusted with any goods, wares or merchandize, or to whom the same may be consigned, for the purchase of any such goods, wares and merchandize, and to receive the same of and pay for the same to such agent or agents; and such contract and payment shall be binding upon and good against the owner of such goods, wares and merchandize, notwithstanding such person or persons, body or bodies politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an agent or agents: provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies politic or corporate, shall not, when such contract is entered into or payment made, have notice that such agent or agents is, or are not authorized to sell the said goods, wares and merchandize, or to receive the said purchase-money.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any such goods, wares or merchandize, or any such document as aforesaid, in deposit or pledge from any such factor or factors, agent or agents, notwithstanding such person or persons, body or bodies politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a factor or factors, agent or agents; but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title or interest in or upon or to the said goods, wares or merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said factor or factors, agent or agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess and enforce such right, title or interest as was possessed and might have been enforced by such factor or factors, agent or agents, at the time of such deposit or pledge as aforesaid, any rule of law, usage or custom to the contrary notwithstanding.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed or taken to deprive or prevent the true owner or owners, or proprietor or proprietors of such goods, wares or merchandize from demanding and recovering the same from his, her or their factor or factors, agent or agents, before the same shall have been so sold, deposited or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her or their bankruptcy;

bankruptcy; nor to prevent such owner or owners, proprietor or proprietors from demanding or recovering of and from any person or persons, body or bodies politic or corporate, the price or sum agreed to be paid for the purchase of such goods, wares or merchandize, subject to any right of set-off on the part of such person or persons, body or bodies politic or corporate, against such factor or factors, agent or agents; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from such person or persons, body or bodies politic or corporate, such goods, wares or merchandize so deposited or pledged, upon repayment of the money, or on restoration of the negotiable instrument or instruments so advanced or given on the security of such goods, wares or merchandize as aforesaid, by such person or persons, body or bodies politic or corporate, to such factor or factors, agent or agents; and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such factor or factors, agent or agents, to such owner or owners, proprietor or proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her or their hands, as the produce of the sale of such goods, wares or merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: provided always, that in case of the bankruptcy of any such factor or agent, the owner or owners, proprietor or proprietors of the goods, wares and merchandize so pledged and redeemed as aforesaid, shall be held to have discharged, *pro tanto*, the debt due by him, her or them to the estate of such bankrupt.

them from a third person, upon paying his advances secured upon them.

In case of bankruptcy of factor, the owner of goods so pledged and redeemed shall be held to have discharged, *pro tanto*, the debt due from him to bankrupt.

VII. And whereas it is expedient to prevent the improper deposit or pledge of goods, wares or merchandize, or the documents relating to such goods, wares or merchandize, intrusted or consigned as aforesaid to factors or agents; be it therefore enacted, that if any such factors or agents, at any time from and after the said 1st day of October 1826, shall deposit or pledge any goods, wares or merchandize intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid with any person or persons, body or bodies politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such factor or agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the owner or owners of any such goods, wares or merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and, being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding 14 years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the court before whom such offender may be tried and convicted shall adjudge.

Agents fraudulently pledging the goods of their principals deemed guilty of a misdemeanor.

May be transported not exceeding 14 years, &c.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution for having deposited or pledged any goods, wares or merchandize so intrusted or consigned to him, her or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her or their principal or principals: provided nevertheless, that the acceptances of bills of exchange by such person or persons, drawn by or on account of such principal or principals, shall not be considered as constituting any part of such debt so due and owing from such principal or principals, inasmuch as the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless such bills shall be paid when the same shall respectively become due.

Not to extend to cases in which the agent has not made the goods a security for any sum beyond the extent of his own lien.

Acceptances of bills by an agent not to create a lien so as to excuse the pledge, unless the bills are paid when due.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act shall not extend or be construed to extend to any partner or partners or other person or persons of or belonging to any partnership, society or firm, except only such partner or partners, person or persons, as shall be accessory or privy to the commission of such offence, any thing herein contained to the contrary in anywise notwithstanding.

Act not to extend to partners not being privy to the offence.

Act not to lessen any remedy at law or equity which the party aggrieved may be entitled to adopt.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction or judgment to be had or taken thereupon, shall hinder, prevent, lessen or impeach any remedy at law or in equity which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction or judgment had been had or taken thereupon; but nevertheless the conviction of any offender against this Act shall not be received in evidence in any action at law or suit in equity against such offender; and further, that no person shall be liable to be convicted, by any evidence whatever, as an offender against this Act, in respect of any act, matter or thing done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed any such matter or thing on oath, under or in consequence of any compulsory process of any court of law or equity, in any action, suit or proceeding, in or to which he shall have been a party, and which shall have been *bond fide* instituted by the party aggrieved by the act, matter or thing which shall have been committed by such offender aforesaid.

ACT No. XIV. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 29th of June 1840.

AN ACT for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements, by extending to the Territories of the East India Company, in cases governed by English Law, the Provisions of the Statute 9 Geo. 4, c. 14.

It is hereby enacted, that the Statute 9 Geo. 4, c. 14, shall be extended to the territories of the East India Company: provided always, that this Act shall not be construed to affect any case which would not have been governed by the law of England before the passing of the aforesaid Statute, if this Act had not passed; or to extend or alter the jurisdiction of any of Her Majesty's courts of justice.

The Statute hereby extended to the territories of the East India Company is as follows (the sum of 10 l. mentioned therein to be deemed 100 rupees in the application of the Statute to the aforesaid territories):—

9 GEO. IV. c. 14.

AN ACT for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements. (9th May 1828.)

English Act, 21
Jas. 1, c. 16.

Irish Act, 10
Carl. 1, Sess. 2, c. 6.

In actions of debt or upon the case, no acknowledgment shall be deemed sufficient, unless it be in

Whereas by an Act passed in England in the 21st year of the reign of King James I., it was enacted, that all actions of account and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suits, and not after: and whereas a similar enactment is contained in an Act passed in Ireland in the 10th year of the reign of King Charles I.: and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said enactments, and it is expedient to prevent such questions, and to make provision for giving effect to the said enactments and to the intention thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in actions of debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the said enactments, or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment

ment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby; and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor or administrator shall lose the benefit of the said enactments, or either of them, so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them: provided always, that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatsoever: provided also, that in actions to be commenced against two or more such joint contractors, or executors or administrators, if it shall appear at the trial or otherwise that the plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such joint contractors, or executors or administrators, shall nevertheless be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the plaintiff as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

writing or by part payment.

Joint contractors.

Proviso for the case of joint contractors.

II. And be it further enacted, that if any defendant or defendants in any action or any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts, or this Act, or of either of them, be maintained against the other person or persons named in such plea, or any of them, the issue joined on such plea shall be found against the party pleading the same.

Pleas in abatement.

III. And be it further enacted, that no indorsement or memorandum of any payment written or made after the time appointed for this Act to take effect, upon any promissory note, bill of exchange, or other writing, by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment, so as to take the case out of the operation of either of the said Statutes.

Indorsement of payment.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract, alleged by way of set-off on the part of any defendant, either by plea, notice or otherwise.

Simple contract debts alleged by way of set-off.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

Confirmation of promises made by infants.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the sole or principal purpose that such other person may obtain credit, money or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

Representations of character.

VII. And whereas by an Act passed in England in the 29th year of the reign of King Charles II., intituled, "An Act for the Prevention of Frauds and Perjuries," it is among other things enacted, that from and after the 24th day of June 1677, no contract for the sale of any goods, wares and merchandizes for the price of 10*l.* sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment; or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized: and whereas a similar enactment is contained in an Act passed in Ireland, in the 7th year of the reign of King William III.: and whereas it has been held that the said recited enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied; and it is expedient to extend the said enactments to such executory contracts; be it enacted, that the said enactments shall extend to all contracts for the sale of goods of the value of 10*l.* sterling and upwards,

29 Car. 2. c. 3.

Irish Act, 7 Will. 3. c. 12.

Powers of recited Acts extended to

contracts for goods of 10 l. or upwards, although the delivery be not made.

Memorandum exempted from stamps.

notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some Act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of stamps.

ACT No. XV. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 29th of June 1840.

AN ACT for extending Regulations XV. of 1827 and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV. of 1827 and XIII. of 1830, of the Bombay code, be made applicable to the agents of foreign sovereigns having lands and possessions in the British territory of the Bombay presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations: provided, that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

ACT No. XVI. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 3d of August 1840.

AN ACT concerning the Management of Convicts transported to Places within the Territories of the East India Company.

I. Whereas doubts have arisen touching the legal mode of treating convicts transported to places within the territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such convicts:

It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor-General in Council, on that behalf, at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

II. And it is hereby declared and enacted, that it shall be lawful for the Governor-General in Council to appoint the Governor or other authority at any place within the territories of the East India Company, or to appoint one or more superintendents at any such place as the persons to whom convicts undergoing transportation shall be delivered, and in whom the property in the service of such convicts shall be vested as aforesaid.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor-General in Council to issue orders from time to time to any such Governor, authority or superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classification of convicts, their confinement, treatment and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act; and nothing heretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders or with the sanction of Government, shall be called in question in any court of law.

ACT

ACT No. XVII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th August 1840.

ACTS of 1840.

AN ACT for amending Regulation V. of 1831 of the Madras Code, as far as the same regards Penalties for certain Breaches of the Salt Laws.

Whereas great inconvenience has been experienced in consequence of sending persons accused of petty offences against the salt laws for trial in the criminal courts, who might be more conveniently tried by magistrates, as in the case of other offences subject to the same amount of punishment:

It is hereby enacted, in modification of Regulation V. of 1831 of the Madras code, that all penalties prescribed by the Madras code for any breaches of the salt laws shall be recoverable before the magistrate of the district: provided always, that it shall be lawful for any such magistrate before whom any person shall be charged with the commission of any offence against the salt laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences the punishment of which rests with the criminal court: provided also, that no magistrate shall, under the authority of this Act, punish any offender by a fine exceeding 50 rupees, or by imprisonment with or without labour for a longer period than 30 days.

ACT No. XVIII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th August 1840.

To regulate the granting and withholding Licenses for the Sale of
Liquors within the Islands of Bombay and Colaba.

I. It is hereby enacted, that all powers and duties now vested by law in Her Majesty's justices of the peace in Bombay with respect to granting and withholding licenses for the sale of arrack, toddy and other spirituous and fermented liquors, within the Islands of Bombay and Colaba, shall from and after the passing of this Act be vested in and discharged by the collector of land revenue, and the senior magistrate of police in Bombay jointly; but the said justices, at quarter sessions assembled, shall have power in their discretion to quash such licenses or to withdraw the same on the breach of any of the conditions thereof.

II. And it is hereby enacted, that the Honourable the Governor in Council shall have authority at all times to regulate the form of licenses to be granted for the sale of arrack and other liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

III. And it is further enacted, that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of spirituous liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

ACT No. XIX. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 14th September 1840.

ACT for amending the Procedure in Cases of Appeals made *in formâ pauperis*,
within the Presidency of Fort William in Bengal.

It is hereby enacted, that the proviso contained in Clause 1, Section V., Regulation XXVIII. 1814, of the Bengal Code, in regard to females of rank, shall be applicable, at the discretion of the Courts of Sudder Dewanny Adawlut of the Presidency of Fort William in Bengal respectively, to any party desirous of appealing *in formâ pauperis* to either of those courts.

ACTS of 1840.

ACT No. XX. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th October 1840.

AN ACT for declaring the Law touching the Liability of Auction Purchasers of permanently assessed Estates under Section XXI., Regulation XI. of 1822, of the Bengal Code.

I. Whereas doubts have arisen whether the liability of auction-purchasers, under the provisions of Section XXI., Regulation XI. of 1822, Bengal Code, to make good the difference between the sums bid at a first and second sale of lands sold for the realization of arrears of revenue, has been affected by the provisions of Section VII., Regulation VII. of 1830 of the same code :

It is hereby declared and enacted, that the said liability provided for and imposed by Section XXI., Regulation XI. of 1822 aforesaid, has in nowise been altered or affected by Section VII., Regulation VII. of 1830 aforesaid, and that such liability shall be considered in full force and virtue, as if such last-mentioned Regulation had not been passed.

ACT No. XXI. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th of October 1840.

AN ACT concerning Suits instituted under the Provisions of Regulation XLIX. of 1793, prior to and pending at the Date of the Enactment of Act IV. of 1840.

It is hereby enacted, that Act IV. of 1840 shall not affect the trial of suits under Regulation XLIX. 1793, which were pending originally or in appeal at the time of the passing of that Act, and that all such suits shall be tried and decided in the same manner as if Act IV. of 1840 had not been passed.

ACT No. XXII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 23d November 1840.

AN ACT for the Punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting Exhibitions and Practices.

I. Whereas great inconvenience is experienced in the towns of Calcutta and of Madras, and in the Islands of Bombay and Colaba, from mendicants who endeavour to extort alms by offensive and disgusting exhibitions and practices :

It is hereby enacted, that persons within the town of Calcutta or of Madras, or within the Islands of Bombay and Colaba, who shall seek to extort alms by offensively exhibiting any bodily ailment or deformity, or by any offensive or indecent practices, or by inflicting, or threatening to inflict, bodily injury on themselves, shall be liable, on conviction before any justice of the peace, to imprisonment, with or without labour, for a term not exceeding one calendar month.

II. And it is hereby enacted, that all persons guilty a second time of any of the above offences shall be liable, on conviction before a justice of the peace, to imprisonment with hard labour for a term not exceeding twice the period assigned for the first offence, and for the same term upon any subsequent conviction.

III. And it is hereby enacted, that persons guilty of any of the offences above mentioned who shall violently resist any peace officer attempting to apprehend them,

them, shall be liable, on conviction before a justice of the peace, to imprisonment with or without hard labour for a term not exceeding three calendar months, ACTS of 1840.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, from time to time, by notice in the Gazette, to extend the provisions of this Act to any towns or districts besides the places specified in this Act.

ACT No. XXIII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 30th November 1840.

An Act for executing within the local Limits of the Jurisdiction of Her Majesty's Courts legal Process issued by Authorities in the Mofussil.

I. Whereas great inconvenience has been experienced in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil authorities of persons resident within the local limits of Her Majesty's supreme courts, and in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil courts to which they are parties :

It is hereby enacted, that any writ, warrant or other process issued by any court, judge or magistrate in the territories beyond the local limits of the supreme courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following :—A copy of such writ, warrant or other process, authenticated as such by the attestation of the court, judge or magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any judge of Her Majesty's courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of Her Majesty's courts by the sheriff, or by any justice of the peace, according to the nature of such writ, warrant or other process.

II. And it is hereby provided, that upon the delivery of every such writ, warrant or process so indorsed as aforesaid to any such sheriff as aforesaid, every such sheriff shall make a memorandum of the date of such delivery, and shall execute such writ, warrant or process in like manner as if the same had originally issued from any of Her Majesty's courts, and had been delivered at the date as appearing by the memorandum ; and such sheriff shall make no distinction as to priority or otherwise between the execution of any writ, warrant or other process originally issued from any of Her Majesty's courts, and the execution of any writ, warrant or other process under this Act ; but every writ, warrant and other process, whether original or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of writs, warrants and other process originally issued from Her Majesty's courts of justice.

III. And it is hereby enacted, that every such sheriff shall be liable to be proceeded against in her Majesty's courts of justice for all matters touching the execution of any writ, warrant or other process executed under this Act, in like manner as if the same had originally issued from any of Her Majesty's courts of justice ; and all persons and property seized or detained under any writ, warrant or process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like writ, warrant or other process issued from any of Her Majesty's courts of justice.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any writ, warrant or other process indorsed under this Act, shall be punishable in Her Majesty's courts of justice, in like manner as if the same had issued from such courts : provided always, that in the case of process for the attendance of witnesses, Her Majesty's courts shall be governed by the like rules, touching expenses and other matters, as are established in regard to subpoenas issued from such courts.

ACTS of 1840.

V. And it is hereby enacted, that in the case of persons seized or detained by virtue of any writ, warrant or other process executed under the authority of this Act by any justice of the peace or by any sheriff, it shall be the duty of every such sheriff or justice of the peace, if so required by the indorsement of the judge, to deliver the party in custody to such authority or persons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the writ, warrant or other process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of Her Majesty's courts.

VI. And it is hereby provided, that in the case of any writ, warrant or other process required to be indorsed under the authority of this Act, it shall be lawful for the judge who shall be required to indorse the same to remit the same for amendment to the authority issuing the same, if the same shall appear to be defective in any matter of form.

VII. And it is hereby provided, that in the case of any writ, warrant or other process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the judge who shall be required to indorse the same to direct by indorsement that bail (the amount and number of sureties to be specified in such indorsement) may be taken, and for this purpose to call for such documents and to make such inquiry as he shall think proper.

VIII. And whereas it is expedient that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour should be subjected to the most improved rules of prison discipline, which cannot in all cases be conveniently done except in the prisons locally situate within the jurisdiction of Her Majesty's supreme courts, it is hereby enacted, that all civil and criminal gaols and houses of correction within the jurisdiction of any of Her Majesty's supreme courts shall, according to the nature of the case, be liable to be used by the sheriff for the purposes of this Act; and the parties imprisoned therein under the authority of this Act shall be liable to the prison discipline thereof; and all sentences of imprisonment passed by any judge, court or magistrate in the territories of the East India Company beyond the local limits of Her Majesty's supreme courts may be executed in whole or in part within any of the gaols or houses of correction aforesaid, provided that a copy of the warrant of commitment or other process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

ACT No. XXIV. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th December 1840.

For amending the Law with respect to Rates for municipal purposes within
the Town of Calcutta.

I. WHEREAS it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Calcutta shall be applied; and abolish the practice which has hitherto prevailed of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such per-centage being inadequate for the purposes to which the rates have hitherto been deemed applicable: and whereas it is expedient to make the per-centage leviable by quarterly rates on the annual value of property to depend entirely on the expenditure necessary for accomplishing in an efficient manner the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses and casual deficiencies or defaults: and whereas it is expedient to subject the collection and administration of the funds raised for municipal purposes in the various districts of the town to the management of the rate-payers themselves within such districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose: and whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, c. 52, in regard to assessments for the town of Calcutta, in order for the better collection

collection of the same, reserving all the authority of such statute in matters not inconsistent with this Act : ACTS of 1840.

It is hereby enacted, that the assessments which by the Statute 33 Geo. 3, c. 52, are authorized to be made for the town of Calcutta, shall be applicable to the following purposes only; viz., lighting and watering the roads and streets, and cleansing and repairing the same, and the drains of the said town.

II. And it is hereby enacted, that the assessments and rates made under the authority of the said statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last section, for discharging all incidental expenses, and for making up deficiencies and defaults of every kind whatsoever: provided always, that no rate shall be made exceeding the amount of five per cent. on the assessed value of property, without the sanction of the Governor of Fort William in Bengal.

III. And it is hereby enacted, that, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisions being undertaken by the rate-payers themselves, the justices at their quarter sessions shall publish quarterly the particulars of all sums laid out, and of all the expenses of collection and deficiencies during the preceding quarter within the following divisions of the town, or such other divisions as the Governor of Fort William in Bengal may from time to time direct, so long as the assessment, collection or management of the rates for such divisions shall remain under their jurisdiction; viz., the First or Upper North Division, bounded as follows:

North, by the Mahratta Ditch.

South, by the Mutchooa Bazar-road and Cotton-street to Meerbhur's Ghaut.

East, by the Circular-road.

West, by the River Hooghly.

Second or Lower North Division, bounded as follows:

North, by Mutchooa Bazar-road and Cotton-street to Meerbhur's Ghaut.

South, by the Boitakhanna and Bow Bazar-road and Hare-street to Police Ghaut.

East, by the Circular-road.

West, by the River Hooghly.

Third or Upper South Division, bounded as follows:

North, Boitakhanna, Bow Bazar-road and Hare-street to Police Ghaut.

South, Durrumtollah-street and Esplanade-row to Chandpaul Ghaut.

East, Circular-road.

West, River Hooghly.

Fourth or Lower South Division, bounded as follows:

North, by the Durrumtollah-street and Esplanade-row, to Chandpaul Ghaut.

South, by the Lower Circular-road to Kidderpore-bridge and Tolly's Nullah to River Hooghly, including the Fort and Cooly Bazar.

East, by the Circular-road.

West, by the River Hooghly.

IV. And it is hereby enacted, that whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor of Fort William in Bengal to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it

ACTS of 1840.

shall be lawful for the Governor of Fort William in Bengal to authorize the same accordingly, at his discretion: provided always, that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for: provided always, that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor of Fort William in Bengal upon reference to all local circumstances.

V. And it is hereby enacted, that, for the better assessment and collection of rates under this Act, it shall be lawful for the Governor of Fort William in Bengal to appoint such assessor or assessors, collector or collectors, and to make such union of the offices of assessor and collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected, as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any assessment, rate or warrant of distress under this Act to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the goods and chattels of the owner of any property rated shall be seizable any where (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates; and that all property which shall be found upon any premises rated shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure; and in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court.

ACT No. XXV. of 1840.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th of December 1840.

For the better Protection of the Abkaree Revenue within the Presidency
of Fort William in Bengal.

I. WHEREAS it has been found necessary, with a view to make better provision for the protection of the Abkaree revenue than is afforded by the existing system of management, to place the superintendence of certain districts in a separate commissioner, acting under the direction and control of the board of customs, salt and opium: and whereas it is required to make provision by law for the extension and improvement of this system of management within the Presidency of Fort William in Bengal:

It is hereby enacted, that whenever a commissioner or commissioners shall be appointed by the Governor of Bengal, or by the Governor or Lieutenant-Governor of the north-western provinces, with the sanction of the Government of India, for the superintendence of the Abkaree revenue, such commissioner or commissioners shall exercise, within such districts as may be assigned and prescribed from time to time by the said Governors or Lieutenant-Governor, the powers, authority and jurisdiction vested by the Regulations and Acts of the Government in commissioners of the land revenue in all matters appertaining to the Abkaree revenue.

II. And

II. And it is hereby enacted, that within the districts so assigned to such commissioner or commissioners, the Governor of Bengal or Governor or Lieutenant-Governor of the north-western provinces may appoint any duly-qualified persons, not being of the description specially provided for in Section XXXI., Regulation X, 1813, to be superintendents of the Abkaree revenue, and to vest them with the charge and management of the Abkaree revenue under the orders of the said commissioner, within such local limits as to him may seem fit, and the persons so appointed shall exercise all the powers of collectors in regard to this revenue, excepting the adjudication of cases of contravention of the laws relating to Abkaree.

III. And it is hereby enacted, that it shall be competent for the Governor of Bengal to vest any person appointed under the foregoing clause to the charge and superintendence of the Abkaree revenue, with the power of adjudicating cases of contravention of the Abkaree laws, in addition to the powers attaching to the office of superintendent of Abkaree revenue in the district or districts assigned to him: provided, that no such superintendent, when so vested with the powers of adjudication, shall sentence any person to a fine exceeding 200 rupees, whether commutable or otherwise, or to imprisonment for a term exceeding three months, except for a second offence under Section XVII. of this Act.

IV. And it is hereby enacted, that the warrant of any officer authorized or especially appointed to adjudicate cases of contravention of the Abkaree laws, certifying the conviction of any individual, with a specification of the offence proved and penalty adjudged, shall be authority for the levying of any fine imposed, as therein specified, and for the detention of the person therein described in the civil gaol of the district as may be therein prescribed: provided always, that it shall be competent to the commissioner, upon appeal by the parties concerned, or of his own motion, to call for the papers and revise the proceedings in any case decided by such superintendent, and to alter or reverse the judgment passed thereon; and a like power shall be possessed and exercised by the board of customs, salt and opium, or by any other board possessing like authority, whenever they think proper.

V. And it is hereby enacted, that any officer employed in the Abkaree department above the rank of jemadar of peons, who shall receive information that any person without a license is engaged in the manufacture of fermented or spirituous liquors, or in the preparation of intoxicating drugs, or has on his premises fermented or spirituous liquors or intoxicating drugs in such quantity as may render such person liable to the suspicion of secretly and illicitly trafficking in such articles, shall and is hereby authorized and required to take the deposition of the informer in writing; and if the information so given shall appear credible, so as to justify such proceeding, it shall further be competent to such officer to enter and search such premises as may be declared by the informer to contain the illicit articles specified in his deposition, and to seize all illicit stills and materials of the kind used in manufacturing liquors and preparing drugs, as well as all fermented or spirituous liquors or intoxicating drugs, and to arrest the owner or occupant of the premises, together with all parties concerned in the transaction who may be found on the premises.

VI. And it is hereby enacted, that, except in cases already provided for by Section XVIII., Regulation VII. of 1824, if any person or persons shall by threats or violence prevent the lawful arrest of, any person by an officer duly authorized to seize illicit stills, fermented or spirituous liquors or intoxicating drugs, and materials for the manufacture of the same, or shall procure by unlawful means his release after arrest, or shall obstruct any officer duly authorized in making search for or seizure of any of the above-mentioned illicit articles, or shall rescue such articles after seizure, or if the party found with any such illicit articles in possession, or any other person or persons shall resist such officer in the execution of a legal process, such person or persons shall severally and respectively be liable, on conviction before a magistrate, to be sentenced for the same to pay a fine not exceeding 500 rupees, commutable, if not paid, to imprisonment for a term not exceeding six months: provided, that such person or persons shall be further liable; in the event of an affray or breach of the peace occurring in consequence of his or their resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed in the general rules applicable to cases of affray and

ACTS of 1840. breach of the peace, in addition to the penalties above prescribed for the resistance of process.

VII. And it is hereby enacted, in modification of Clause 6, Section XXII., Regulation X. of 1813 of the Bengal Code, that if any person shall wilfully and maliciously give false information in respect to there being an illicit still or illicit stills, or fermented or spirituous liquors or intoxicating drugs, or materials prepared for the manufacture of spirituous liquors and drugs, in any premises, and so procure that such premises shall be searched to the injury and vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, besides being subject to any other penalties or damages to which he would be subject under the general law, be liable to imprisonment with or without labour for a term not exceeding two years, and to fine not exceeding 500 rupees, commutable to a further term of imprisonment for six months if not paid.

VIII. And it is hereby enacted, that whenever any officer of the Abkaree department, duly authorized under Section V. of this Act, shall arrest any person charged with an infraction of the laws for the protection of the Abkaree revenue, or shall seize any still, or fermented or spirituous liquors or intoxicating drugs, or enter any premises for the purpose of searching for such illicit articles, he shall make a full report of all the particulars of such arrest or seizure or search to his official superior within 24 hours after the transaction has occurred.

IX. And it is hereby enacted, that whenever any person may be arrested by an officer employed in the Abkaree department, or by any other officer of other departments, duly empowered to make seizure of illicit stills or spirituous liquors or intoxicating drugs, or materials prepared for the purpose of manufacturing spirituous liquors or intoxicating drugs, the person making the arrest shall be bound to carry the party arrested with all convenient despatch to the officer of the department who may be competent to try the case; and no person so arrested shall be released until the case shall have been brought to judgment in the manner provided by law.

X. And it is hereby enacted, that any officer who shall neglect to report all the particulars of an arrest, seizure or search within 24 hours after the transaction has occurred, or who shall delay carrying the person arrested to the proper officer with all convenient despatch, or who shall release or connive at the escape of the person arrested, shall be liable, on conviction, to dismissal from his situation, and to pay a fine not exceeding 200 rupees, and to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to further imprisonment not exceeding three months; and the sentence shall be adjudged by any officer competent to adjudicate cases of contravention of the Abkaree laws.

XI. And it is hereby enacted, that it shall be lawful for any officer employed in the Abkaree department to enter and inspect at any time, by day or by night, the shop or premises in which any licensed Abkar shall carry on the sale or manufacture of fermented or spirituous liquors, or intoxicating drugs or liquors, in order to satisfy himself that nothing is going on in contravention of the Abkaree laws, or of the conditions of the license.

XII. And it is hereby enacted, that if any officer of the Abkaree department be convicted before the magistrate of any district of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for illicit stills, spirituous liquors, intoxicating drugs, or the materials for manufacturing the same, or of having vexatiously and unnecessarily arrested any person, or of committing any other excess not required for the execution of his duty, every such officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XIII. And it is hereby enacted, that whenever in this Act or in any other law the terms "officers employed in the Abkaree department" are used, they shall be deemed and construed to apply to such officers as receive salary from and are appointed by the persons in charge of the Abkaree department in the district, or such officers as the commissioner of the Abkaree revenue may by special delegation or appointment empower to act in relation to this branch of the revenue.

XIV. And

XIV. And it is hereby enacted, that every person holding a license for the manufacture or sale of fermented or spirituous liquors or intoxicating drugs, shall preserve such license at the shop or premises specified in the body of the license, and shall exhibit the license on the demand of any Abkaree officer who shall desire to inspect the same; and any such licensed manufacturer or vender who shall refuse or be unable to produce his license on the demand of any Abkaree officer, shall be liable, on conviction before a magistrate, to a fine not exceeding 200 rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to further imprisonment not exceeding a like term.

XV. And it is hereby enacted, that one moiety of all fines realized from persons convicted of the illicit possession or manufacture or sale of fermented or spirituous liquors or intoxicating drugs, excepting opium, and of the proceeds from sale of articles confiscated, shall upon adjudication of the case be awarded to the officer or officers who may have apprehended the offender or seized the illicit articles, and the other half shall be given to the informer, as provided in Clause 8, Section XXII., Regulation X. of 1813; and if no fine be realized, the commissioner may recommend, through the board of customs, salt and opium, such reasonable reward, not exceeding the sum of 200 rupees in each case, as may appear to him fit: provided, however, that it shall be competent to the board of customs, salt and opium to prescribe by general order what classes of officers of the department shall receive reward, and what classes shall have no title to participate therein.

XVI. And it is hereby enacted, that any officer employed in the Abkaree department who shall be convicted of conniving at the manufacture or sale of fermented or spirituous liquors without license, or by any licensed manufacturer or vender contrary to the terms of such license, shall be liable to the same penalties that would be incurred by the offender at whose act in contravention of the law he so connived.

XVII. And it is hereby enacted, that whenever any person shall be convicted of an infraction of the laws for protection of the Abkaree revenue, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Dewanny gaol for a period of six months; and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second; and the warrant of the officer adjudicating any case under the provisions of this section shall be authority for the judge or other officer in charge of the Dewanny gaol to hold the person described therein in confinement in such gaol, and for such time as may be specified and required in the said warrant.

INDEX TO THE ACTS
OF
THE SUPREME GOVERNMENT OF INDIA,
FOR THE YEAR 1840.

	ACT.	SECTION.	CLAUSE.
Abkaree Revenue, arrangements for the better protection of the; degree of authority vested in the commissioner or commissioners that may be appointed by the Governor of Bengal or Lieutenant-Governor of the north-western provinces - -	XXV.	I.	
----- appointment of superintendents, who shall be subordinate to the commissioners; degree of authority to be exercised by them - - - - -	"	II.	
----- Governor of Bengal competent to vest superintendents with the power of adjudicating cases of contravention of the Abkaree laws, and of fining to the extent of 200 rupees - - - - -	"	III.	
----- superintendent's warrant, shall be authority for the levying of any fine imposed or of imprisonment; the commissioner or the board of customs, salt and opium, being competent, upon appeal, to revise proceedings and reverse judgment - - - - -	"	IV.	
----- premises of persons suspected of being engaged, without license, in the manufacture of fermented or spirituous liquors or other intoxicating drugs, and of illicitly trafficking in such articles, liable to search and their persons to arrest - - - - -	"	V.	
----- penalty to which persons obstructing by violence the lawful arrest by an officer duly authorized to seize illicit stills, &c. or otherwise resisting the execution of legal process, shall be subject - - - - -	"	VI.	
----- penalty to which false informers are liable - - - - -	"	VII.	
----- officers of the department, after arresting any person charged with an infraction of the Abkaree laws, required within 24 hours to report the transaction to their official superiors - - - - -	"	VIII.	
----- the officer arresting bound to carry the party arrested to such authority as shall be competent to try the case - - - - -	"	IX.	
----- any infringement of the two preceding clauses shall subject the officer so acting to dismissal from his situation, besides fine or imprisonment - - - - -	"	X.	
----- officers empowered to enter and inspect, at any time, the shops, &c. of licensed Abkars, to see that nothing is going on in contravention of the Abkaree laws - - - - -	"	XI.	
----- officers proved to have unjustly seized goods or persons of Abkars, or of having committed any other excess, subject to dismissal and other punishment - - - - -	"	XII.	
----- construction of the terms "officers employed in the Abkaree department" - - - - -	"	XIII.	
----- licensed Abkars to produce their licenses when required; if not, subject to fine or imprisonment - - - - -	"	XIV.	
----- mode of appropriating fines and proceeds from sale of confiscated articles - - - - -	"	XV.	
----- officers of the department conniving at the manufacture or sale of liquors without license subject to the same penalty as the party acting in contravention of the Abkaree law - - - - -	"	XVI.	
----- punishment for repeated infractions of the Abkaree law - - - - -	"	XVII.	

	ACT.	SECTION.	CLAUSE.
Acceptances. <i>See</i> Bills of Exchange.			
Advances. <i>See</i> Bank of Bombay.			
Affirmations; penalty attendant on false affirmations by witnesses before arbitrators - - - - -	IX.	V.	
Affrays; amendment of the law for preventing affrays concerning the possession of land, and for giving relief in cases of forcible dispossession - - - - -	IV.	I.	I.
— course which shall be adopted by a magistrate when certified that a dispute, likely to cause a breach of the peace, exists concerning any land, premises, &c. - - - - -	"	II.	
— magistrate authorized to attach the subject of dispute until the rights of parties be determined by a competent court - - - - -	"	III.	
— how a magistrate is to act in cases of complaints of forcible dispossession of any land, premises, &c. - - - - -	"	IV.	
— on what principle award shall be based when the subject of dispute be new-formed land, and never before in the possession of any party - - - - -	"	V.	
— mode of adjusting disputes concerning the right of use of any land or water - - - - -	"	VI.	
— penalty attending any opposition to the execution of magistrate's orders - - - - -	"	VII.	
— orders open to appeal - - - - -	"	VIII.	
— arbitration may be resorted to when all parties agree - - - - -	"	IX.	
— nothing in this Act shall affect the legal exercise of any right of attachment or seizure vested by law in any parties - - - - -	"	X.	
— limitation of jurisdiction - - - - -	"	XI.	
Appeal, orders of a magistrate in cases of land disputes open to. <i>See</i> Affrays - - - - -	"	VIII.	
Appeals <i>in forma pauperis</i> , amendment of the procedure in cases of Arbitration in cases of land disputes. <i>See</i> Affrays - - - - -	XIX. IV.	IX.	
Arbitrations; extension of certain provisions of Statute 3 & 4 Will. IV. c. 42, to the territories of the East India Company - - - - -	IX.		
— mode of examining witnesses - - - - -	"	I.	
— court empowered to give damages as here prescribed - - - - -	"	II.	
— power of an arbitrator or umpire, duly appointed, not revocable by any party, except with the sanction of the court by which such arbitrator or umpire is appointed - - - - -	"	III.	
— rule regulating the attendance of witnesses and the production of documents required by arbitrators - - - - -	"	IV.	
— penalty attendant on false oaths and affirmations by witnesses - - - - -	"	V.	
— date from which this Act is to take effect in Calcutta, Madras, Bombay and the Straits - - - - -	"	VI.	
Arrack. <i>See</i> Liquors.			
Arrest for infractions of the Abkaree Law. <i>See</i> Abkaree Revenue.			
Assessment of 10 per cent. levied on all lands not covered with houses or buildings within the limits of the towns of George Town, Singapore and Malacca, from 1st January 1841 - - - - -	XII.	I.	
— of 5 per cent. on property of the above description situated beyond the limits of the aforesaid towns - - - - -	"	II.	
— exemption from, of all property the valuation of which shall be less than 10 Spanish dollars - - - - -	"	III.	
— applicability of the provisions of Act XII. of 1839, relating to assessment of houses and buildings, to the assessment authorized by this Act - - - - -	"	IV.	
— rates of, on houses, buildings and grounds in Calcutta; modification of the provisions of Statute 33 Geo. III. c. 52; purposes which assessments shall be applicable, viz. lighting and cleaning the roads and streets, and cleansing and repairing the same and the drains of the town - - - - -	XXIV.	I.	
— not to exceed 10 per cent. without the sanction of the Governor - - - - -	"	II.	

(continued.)

	ACT.	SECTION.	CLAUSE
Assessment; the justices at their quarter sessions shall publish quarterly the particulars of all disbursements and deficiencies of collection in the different divisions of the town as herein described	XXIV.	III.	
— Governor of Bengal competent, whenever application shall be made, to authorize two-thirds in number and value of the rate-payers of any of such respective divisions to undertake themselves the assessment, collection and management of the rates of such division, under the provisions herein prescribed	"	IV.	
— Governor of Bengal shall appoint assessors or collectors	"	V.	
— specification of the names of the owners or occupiers of houses, buildings and grounds not necessary in any assessment rate or warrant of distress, it being sufficient that the property rated is identified	"	VI.	
— goods and chattels of the owner of any property liable to seizure for deficiency in the payment of rates; and any property found on the premises seizable for arrears. If property of a tenant, he may deduct the amount of the levy from the next payment of his rent	"	VII.	
— course of proceeding when property liable to distress is suspected of being concealed in the zenana	"	VIII.	
Attachment in Land disputes. <i>See Affrays</i>	IV.	III.	
Auction-purchasers of permanently assessed estates. <i>See Estates.</i>			
Awards, competency of the majority of members composing punchayets to sign	VIII.		
Bank of Bombay, corporation from 1st April 1840; rights and privileges of the proprietors	III.	I.	
— limitation of the capital stock to 50 lacs. 'Share' of the Bombay Government disposal of lapsed shares arising from the non-payment by proprietors of the full amount of their shares	"	II.	
— Government of India shall have the power of increasing the capital stock	"	III.	
— capital stock shall be divided into shares of 1,000 rupees each; 300 shares shall be the property of Government of Bombay; no share shall be of less amount than 1,000 rupees	"	IV.	
— transaction of business shall commence on the 1st April 1840, after official notification; bank shall sue and be sued by its corporate name	"	V.	
— payment of the amount of subscription to the capital stock shall be made for the time being to the Bombay sub-treasurer, who will grant receipts until the publication of the notification, when the amount shall be delivered to such directors of the bank as shall be appointed	"	VI.	
— after the delivery of the amount of capital stock to the directors as aforesaid, sub-treasurer's receipts shall be cancelled, and a certificate signed by the directors given to each proprietor	"	VII.	
— no proprietor shall be allowed to increase his share to the capital stock beyond 1,60,000, unless the capital stock itself is increased	"	VIII.	
— shares transferable by indorsement of certificates, such indorsement being first registered at the bank	"	IX.	
— corporate body of the bank shall be composed only of the registered proprietors for the time being	"	X.	
— business of the bank shall be conducted by nine directors, three of whom shall be appointed and removable by the Government of Bombay, and the remainder by the general body of proprietors	"	XI.	
— rule by which the election of directors shall be regulated	"	XII.	
— two directors shall in rotation go out of office annually, when a general meeting of proprietors shall be held for supplying their place	"	XIII.	
— provision in case of casualties, &c. occurring in the direction	"	XIV.	
— no person who shall not be a proprietor of 12 shares, or who shall be a director of any other bank at Bombay, shall be eligible as a director	"	XV.	
— all questions concerning the bank shall be decided by a majority of votes at a general meeting	"	XVI.	
— scale regulating the votes of proprietors	"	XVII.	
— Government of Bombay entitled to vote by proxy, such proxy having seven votes	"	XVIII.	
— individual proprietors also entitled to vote by proxy in the manner herein prescribed	"	XIX.	

	ACT.	SECTION.	CLAUSE.
Bank of Bombay; directors shall elect a president from among themselves, who shall have a casting vote in all cases of equal division	III.	XX.	
— not less than three directors competent to form a board for the transaction of business	"	XXI.	
— invalidity of all accounts and executed instruments unless signed by three directors and sealed in their presence	"	XXII.	
— establishment for conducting the business of the bank placed under the control of the directors; expenses not to exceed 60,000 rupees annually, except by special authority of the general proprietary	"	XXIII.	
— certain of the officers employed by the bank shall be required not to engage in any commercial business, and to give security to the extent of 50,000 rupees	"	XXIV.	
— kinds of business in which the bank shall engage	"	XXV.	
— no negotiable security shall be discounted, nor any loans made, unless funds to a certain extent are available	"	XXVI.	
— terms on which loans and advances shall be made; limitation of period and amount	"	XXVII.	
— nature of the security to be taken on loans	"	XXVIII.	
— shall not be in advance at any time to Government more than seven lacs and a half of Company's rupees	"	XXIX.	
— no overdrawals to be permitted	"	XXX.	
— may issue promissory notes to the extent herein specified	"	XXXI.	
— such notes as well as all other transactions to be confined within the limits of India	"	XXXII.	
— deposit of goods not of a perishable kind receivable	"	XXXIII.	
— books shall be balanced on the 30th June and 31st December every year; Government of Bombay entitled to demand any information it may require touching the bank from the directors	"	XXXIV.	
— rule regarding dividends	"	XXXV.	
— general meeting of proprietors shall be held on the first Monday of August every year	"	XXXVI.	
— three directors or ten proprietors competent to convene a meeting upon giving 15 days' previous notice	"	XXXVII.	
— branch banks may be established, subject to the rules prescribed by this Act for the bank itself	"	XXXVIII.	
— mode of recovering payment from proprietors who may be in debt to the bank	"	XXXIX.	
— shall continue under its present constitution till the 1st April 1847	"	XL.	
— Schedule of the names of shareholders	"	"	
Bills of Exchange, amendment of the law for the negotiation of, from 1st May 1840	VI.	I.	
— specification of the nature of acceptance; liability of acceptors defined, &c. &c.	"	II, to IV.	
— indorseable, except under circumstances specified	"	V.	
— jurisdiction of the Act	"	VI.	
Bombay Code, modification of clause 2, Section XLV. of Regulation XIII. of 1827, of the, regarding confinement of prisoners. See Prisoners.			
— extension of certain regulations to the agents of foreign sovereigns having lands in Bombay. See Regulations.			
Calcutta, rates of assessment for the town of. See Assessments.			
Commissioners in the Abkaree Department. See Abkaree Revenue.			
Complaints of forcible dispossession of Land. See Affrays.			
Convicts, modification of the former rules regarding management of, transported within the Company's territories; mode in which their property shall be invested	XVI.	I.	
— Governor-General in Council competent to appoint superintendents at such places where convicts are delivered	"	II.	
— Governor-general in Council competent to issue orders with regard to their classification, confinement, treatment, &c.	"	III.	
— transported before, and whose terms of transportation are not yet expired, subject to the provision of this Act	"	IV.	
Courts Martial, execution of sentences passed by, under Act XXIII. of 1839	II.	I.	
Damages, arbitrators empowered to levy. See Arbitrations.	IX.	II.	
Debts. See Bank of Bombay.	III.	XXXIX.	
Declarations and Oaths of Hindoos and Mahomedans. See Form.			
— made under the authority of Act No. XXI. of 1837, or any declaration or affirmation made in Her Majesty's courts of justice not affected by Act V. of 1840	V.	IV.	

	ACT.	SECTION.	CLAUSE.
Deposits. See Bank of Bombay	III.	XXXIII.	
Directors, election of. See Bank of Bombay	IV.	XII.	
Dispossession of lands, &c. See Affrays.	IV.	IV.	
Disputes in taking possession of lands, &c. See Affrays	IV.	III.	
Dividends. See Bank of Bombay	III.	XXXV.	
Engagements. See Memorandum.			
Establishment allowed to the Bombay Bank. See Bank of Bombay	"	XXIII.	
Estates (permanently assessed), liability of auction-purchasers of such lands defined	XX.	I.	
Factors, amendment of the law relating to; extension to the territories of the East India Company, in cases governed by English law, of the provisions of the statute (cited) 4th Geo. IV. c. 83, as altered and amended by statute (also cited) 6th Geo. IV. c. 94	XIII.		
False Informers. See Abkaree Revenue.			
Fine for breaches of the Salt Laws. See Salt Laws.			
Fines in the Abkaree Department. See Abkaree Revenue.			
Form of affirmation to be made by Hindoos and Mahomedans in lieu of oaths and declarations	V.	I.	
— penalty attendant on false affirmations.	"	III.	
— any declaration or affirmation made under the authority of Act No. XXI. of 1837, not affected by the above. See Declarations	"	IV.	
Futwa, dispensed with in cases referred to the Foujdaree Adawlut at Madras	I.	I.	
Gaols (civil and criminal) within the jurisdiction of Her Majesty's courts. See Writs and Warrants.			
George Town. See Assessment.			
Houses of Correction within the jurisdiction of Her Majesty's courts. See Writs, Warrants, &c.			
Informers in the Abkaree Department. See Abkaree Revenue.			
Juggernaut, abolition of pilgrim taxes at. See Taxes.	X.	I.	
— temple of, superintendence and management of its affairs, &c. &c., vested in the Rajah of Khorda	"	II.	
— none but voluntary donations to be received from pilgrims	"	IV.	
— liability of the Khorda Rajah to prosecution in the event of breach of trust or extortion being established against him, or the priests and officers under him. See Khorda Rajah	X.	V.	
Jurisdiction of Act IV. of 1840, concerning affrays about land, &c.	IV.	XI.	
— of Act VI. of 1840, concerning bills of exchange	VI.	VI.	
Khorda Rajah, superintendence and management of the affairs, &c. of the temple of Juggernaut, vested in the	X.	III.	
— none but voluntary donations to be received from pilgrims	"	IV.	
— liability to prosecution in the event of breach of trust or extortion being established against him, or the priests and officers under him	"	V.	
Land, disputes regarding. See Affrays.			
— (new farmed) ditto.			
Licenses. See Abkaree Revenue.			
— for the sale of liquors within the islands of Bombay and Colaba. See Liquors.			
Liquors (spirituous and fermented), sale of, in Bombay and Colaba; collector of land revenue and senior magistrate of police in Bombay, conjointly vested with powers to grant or withhold licenses	XVIII.	I.	
— Governor in Council authorized to regulate the form of licenses	"	II.	
— this Act not to interfere with the laws now in force touching the sale of	"	III.	
Liquors. See Abkaree Revenue.			
Loans. See Bank of Bombay.			
Malacca. See Assessment.			
Memorandum (written) rendered necessary to the validity of certain promises and engagements by the extension of Statute 9 Geo. IV. c. 14, to the territories of the East India Company	XIV.		

	ACT.	SECTION.	CLAUSE.
Mendicants, in Calcutta, Madras and the islands of Bombay and Colaba, extorting alms by offensive and disgusting exhibitions, liable to imprisonment for one month - - -	XXII.	I.	
— repetition of offence, how punishable - - -	"	II.	
— punishment where resistance is offered to any peace-officer attempting to apprehend them when guilty of the offences above named - - -	XXII.	III.	
— Governor-General in Council empowered to extend this Act to other places besides those named above - - -	"	IV.	
Mofussil Writs and Warrants. See Writs, Warrants, &c.			
Municipal Act. See Assessment.			
Notes (promissory). See Bank of Bombay - - -	III.	XXXI.	
— (ditto). See Bills of Exchange - - -	VI.	V.	
Oaths and Declarations of Hindoos and Mahomedans. See Form.			
— penalty attendant on false oaths made by witnesses before arbitrators. See Arbitrations.	IX.	"	
Penalty attending opposition to the execution of magistrate's orders in land affrays. See Affrays - - -	IV.	VII.	
— to which persons making false affirmations shall be subject - - -	V.	II.	
— to which persons convicted of causing another to make false affirmations shall be subject - - -	"	III.	
— for breaches of the Salt Laws. See Salt Laws. - - -			
— for disobeying or obstructing the execution of writs, warrants, &c. issued by the Mofussil authorities. See Writs, Warrants, &c.			
— for infractions of the Abkaree Laws. See Abkaree Revenue.			
Pilgrim Taxes. See Taxes.			
Prisoners, confined in any part of the provinces of Bombay, shall not be forced to labour or solitary confinement, unless expressly directed by the sentence of the court under whose warrant confined - - -	XI.	I.	
— court sentencing to imprisonment with labour, qualified to combine solitary confinement with it - - -	"	II.	
Promises and Engagements. See Memorandum.			
Promissory Notes. See Bank of Bombay - - -	III.	XXXI.	
— See Bills of Exchange - - -	VI.	V.	
Proprietors of the Bombay Bank. See Bank of Bombay - - -	III.	after XL.	
Punchayets; majority of members competent to sign awards - - -	VIII.		
Regulations XV. of 1827, and XIII. of 1830, of the Bombay code, extended to the agents of foreign sovereigns having lands and possessions in the British territory of the Bombay presidency - - -	XV.		
— V. of 1831, of the Madras code amended. See Salt Laws.			
— XLIX. of 1793. See Suits.			
Repeal of certain Regulations affecting the law for preventing affrays concerning the possession of land - - -	IV.	I.	
— providing for the continuance of duties levied on pilgrims at Gyah, and other places of pilgrimage - - -	X.	I.	
Revenue (Abkaree). See Abkaree Revenue.			
Salt Laws, amendment of Regulation V. of 1831, of the Madras code, as far as regards penalties for breaches of the; penalties recoverable before a magistrate; restriction of fine to 50 rupees, and if imprisonment, to one month - - -	XVII.		
Security for loans given from the Bombay Bank. See Bank of Bombay - - -	III.	XXVIII.	
Shareholders of the Bombay Bank. See Bank of Bombay - - -	"	after XL.	
Sheriffs, course of proceeding to be observed by, touching the execution of legal process issued by Mofussil authorities within the jurisdiction of Her Majesty's courts. See Writs, Warrants, &c.			
Singapore and Malacca. See Assessment.			
Solitary Confinement. See Prisoners.			
Statute 9 Geo. IV. cap. 14, extended to the Company's territories. See Memorandum.			
Suits; Act IV. of 1840, not to affect the trial of suits under Regulation XLIX. of 1793, which were pending before the passing of that Act - - -	XXI.		
Superintendents in the Abkaree Department. See Abkaree Revenue.			

	ACT.	SECTION.	CLAUSE.
Taxes (pilgrim), abolition of, upon pilgrims resorting to Allahabad, Gyah and Juggernaut - - - - -	X.	I.	
Temple of Juggernaut. <i>See</i> Juggernaut.			
Toddy. <i>See</i> Liquors.			
Transported Convicts, <i>See</i> Convicts.			
Trial of cases referred to the Court of Foujdaree Adawlut at Madras. <i>See</i> Futwa.			
Uncovenanted Servants, eligibility of, to the offices of deputy-register and assistant-register to the Sudder Courts in Bengal and the north-western provinces - - - - -	VII.		
Vagrants. <i>See</i> Mendicants.			
Warrant of Distress. <i>See</i> Assessments.			
Warrants issued by officers in the Abkaree department. <i>See</i> Abkaree Revenue.			
Witnesses, rule with regard to the examination of, in cases of arbitration. <i>See</i> Arbitration - - - - -	IX.	I.	
— rule regulating the attendance of, before arbitrators -	"	IV.	
— penalty attendant on false oaths and affirmations -	"	V.	
— attendance of, by process issued by the Mofussil authorities. <i>See</i> Writs, Warrants, &c.			
Writs, warrants, or other legal process issued by authorities in the Mofussil, how to be executed within the local limits of the jurisdiction of Her Majesty's courts at Calcutta, Madras and Bombay - - - - -	XXIII.	I.	
— course prescribed for the guidance of sheriffs in the execution - - - - -	"	II.	
— liability of such sheriffs to be proceeded against in all matters touching their execution, in like manner as if they had originally issued from Her Majesty's courts - - -	XXIII.	III.	
— penalty to which all persons disobeying or obstructing their execution shall be subject - - - - -	"	IV.	
— duty of the sheriff to deliver the party seized or detained by virtue of such writs, &c., either to the authority issuing the writs, or to the person charged with the execution of the same - - - - -	"	V.	
— competency of a judge of Her Majesty's courts indorsing such writs or warrants, previous to execution, to remit the same for amendment, if found defective, to the authority by whom they are issued - - - - -	"	VI.	
— persons seized under this Act bailable - - - - -	"	VII.	
— civil and criminal gaols and houses of correction within the jurisdiction of Her Majesty's supreme courts shall be liable to be used by the sheriff for the purposes of this Act -	XXIII.	VIII.	

EAST INDIA.

COPY of the ACTS passed by the Honourable the
President of the Council of *India* in Council, for
the Year 1840; with INDEX.

(Pursuant to Act.)

Ordered, by The House of Commons, to be Printed
25 February 1842.

58.

Under 8 oz.

EAST INDIA.

ACTS passed by the Right Honourable the GOVERNOR-GENERAL of India,
in COUNCIL, for 1841 and 1842; with INDEXES.—(Pursuant to Act.)

East India House, }
3 June 1844. }

JAMES C. MELVILL.

Ordered, by The House of Commons, to be Printed, 4 & 5 June 1844.

ACTS of the Government of India; 1841.

ACT No. I. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council
on the 12th April 1841.

ACTS of 1841.

AN ACT for facilitating the Collection of the Revenue of Government and
defining the Interest intended to be conveyed by Public Sales for the
Realization of Arrears of the Public Revenue in Putteedarree Estates.

I. **T**HE Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting Lumberdar, leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries the existing enactments appear to be insufficient on the one hand for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree estates, and in not the interest intended to be conveyed by public sales of such estates. Preamble.

Putteedarree estate in this Act is held to be an estate which consists of the portions or Puttees, or of which there may be proprietors, properties and holding direct of the government, but not subject to the contract with the government for payment of the interest. The proprietor who is a party in his own name is called a proprietor who is not a party in his own name is called a

It is enacted, that the following modes of duress may be enforced against Putteedars whose tenure and interest may have been defined by a Regulation according to Regulation VII. of 1822 as modified by Regulation VII. of 1833, whether such Putteedar be in sole occupation of his estate or hold it conjointly with others.

1st. Issue of *mustucks* in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

3d. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

ACTS of 1841.

4th. Annulment of the settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear, or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction, in which case the members of the remaining Puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the coparcenary not being himself in arrear, may claim to take the said Puttee at the sum last bid, provided that the said demand of pre-emption be made on the day of sale and before the collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the collector or other officers vested with the powers of collector, under such limitation and control as government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted, that the sale of any Puttee by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by law, from time to time, for the sale of an entire mehal; and the Puttee after the sale shall have been duly confirmed, shall be the absolute property of the purchaser, save and except the rights of those ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Puttee as abovesaid, no member of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale, unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferee at the rate demanded by the purchaser or transferee: Provided that it shall be competent to the collector, subject to the orders of the commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections V. to X., Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee, and detailed Kuteonee of the Tehsildar, signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by, and arrear due from each Puttee, shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the collector's proceedings.

IX. And be it enacted, that the collector be empowered to give possession to all purchasers and transferees under this Act in the mode authorized by Clause III., Section XXIII. of Regulation VII. of 1822.

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole jumma, and to enforce the existing regulations for the transfer or sale of the whole estate whenever it shall appear to them just and expedient. In every such case it is hereby declared, in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the coparcenary.

XI. And it is hereby enacted, that the Governor-General in Council may extend the provisions of this Act to any district to which, with reference to the nature of the tenures prevalent therein, its extension may be expedient, although

no

no settlement of such district may have been made under Regulations VII. of 1822, and IX. of 1833, and the order of government shall be sufficient authority for such extension. ACTS of 1841.

ACT No. II. of 1841.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th of May 1841.

AN ACT for regulating the Sale of Ganja and Bhang within the Presidency
of Bombay.

I. It is hereby enacted, that any person who shall sell by retail ganja, or bhang, within the territories subject to the Presidency of Bombay, without having obtained a licence from the collector of land revenue, in the manner hereinafter provided, shall be punishable by fine, not exceeding 30 rupees, or by imprisonment for one month.

II. And it is hereby enacted, that the collector of land revenue in each zilla shall grant to all persons applying for them, licences in the form of Appendix (A.), to be in force for one year, and shall charge for the same a fee of such amount as the Governor of Bombay in Council shall from time to time determine.

APPENDIX (A.)

FORM of LICENCE to Retail Bhang or Ganja.

I, A. B., collector of _____, hereby licence C. D., by caste
inhabitant of _____, to sell by retail ganja and bhang within the village
(town or district) of _____, for one year from the date hereof.

(signed) A. B. Collector.

Collector's Office, _____ day of _____.

ACT No. III. of 1841.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th of May 1841.

AN ACT for the Trial of Prisoners charged with the commission of certain
Offences within the Islands of Bombay and Colaba, and the Harbour of
Bombay.

I. Whereas it is expedient to extend the jurisdiction conferred upon the Court of Petty Sessions in Bombay by Rule, Ordinance and Regulation II. of 1827, Article I., Title IV., and to give the power of summary conviction to single magistrates of police in certain cases; it is hereby enacted, that all persons charged with the commission of simple larceny, or with receiving goods or property knowing the same to have been stolen within the Islands of Bombay and Colaba, and the Harbour of Bombay, may be tried summarily by the Court of Petty Sessions in Bombay, provided the value of the property the prisoner is charged with having stolen or received as aforesaid, does not, according to the belief of the said court, exceed 20 rupees.

II. And it is hereby enacted, that the said Court of Petty Sessions shall not have power to sentence any such person to be imprisoned with or without hard labour for a longer period than 12 calendar months, or to be transported.

III. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions, when any person is charged before them with either of the offences aforesaid, at its discretion, instead of trying such person, to commit for trial before Her Majesty's Supreme Court of Justice in Bombay.

IV. And it is hereby enacted, that it shall be lawful for a single magistrate of police in Bombay to exercise the power of summary conviction in all cases described

ACTS of 1841. described in the following Rules, Ordinances, and Regulations, provided that in cases of simple larceny the value of the property the prisoner is charged with having stolen does not, according to the belief of the said magistrate, exceed 10 rupees.

Rule, Ordinance, and Regulation I. of 1814.

Articles I. II. and III. of Title IV. of Rule, Ordinance and Regulation II. of 1827.

Title VI. of the same.

Title VIII. of the same.

Title IX. of the same.

Title X. of the same.

Articles III. and IV. of Title XI. of the same.

Such police magistrate to have full power of summoning to appear before him all persons whose presence is necessary to promote the purposes of justice, and to have the same power of apprehending and punishing any person so summoned under the same circumstances as the Court of Petty Sessions is empowered under Act XVIII., Rule, Ordinance, and Regulation III. of 1815.

V. And it is hereby enacted, that the said magistrate of police shall not have power to sentence any person to be imprisoned with or without hard labour for a longer period than three calendar months.

VI. And it is hereby enacted, that it shall be lawful for the magistrate of police when any person is charged before him under this Act, in his discretion either to try such person or to commit him for trial before the Court of Petty Sessions or Her Majesty's said Supreme Court of Justice.

VII. And it is hereby enacted, that the magistrate of police, after trying any offender charged before him by virtue of this Act, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say,

Be it remembered, that on the _____ day of _____ in the year _____ of our Lord _____ before me _____ magistrate of police in and for the said town and presidency, *E. F.* was duly convicted (here specify the alleged offence, and the time and place when and where the same was committed, as the case may be), and I the said magistrate of police believe the value of the property stolen to amount to a sum not exceeding 10 rupees, that is to say, rupees _____ and I adjudge the said *E. F.* (here state the punishment the prisoner is to suffer, as the case may be). Given under my hand the day and year first above named.
(signed) _____

VIII. And it is hereby enacted, that upon any conviction for simple larceny or for receiving stolen goods, the authority before which such conviction shall have taken place, shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same, a fine not exceeding 20 rupees, and in default of payment, to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month, unless the property be sooner restored.

IX. And it is hereby enacted, that Article I., Title XIV., and Article III., Title XV. of Rule, Ordinance and Regulation II. of 1827 are hereby repealed. And it is enacted, that whenever any offender is convicted of any second or repeated offence, it shall be lawful for the Court of Petty Sessions to award a double punishment: Provided always, that in no case shall corporal punishment extend beyond 24 lashes, or imprisonment beyond 12 months.

X. And it is hereby enacted, that all fines and penalties hereafter to be awarded by the Court of Petty Sessions or the police magistrates in Bombay, or either of them, under this Act or otherwise, shall be levied in the manner provided in Act II. of 1839.

XI. And it is hereby declared, that nothing in this Act contained shall be construed

construed to affect the remedy of any person aggrieved by the conviction of the said Court of Petty Sessions or a magistrate of police, through the means of the writ of certiorari.

ACTS of 1841.

ACT No. IV. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 17th May 1841.

An Act for regulating Public Conveyances in the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. It is hereby enacted, that all hackney carriages, carts, palankeens, and other vehicles let to hire for the purpose of conveying persons or goods within the Islands of Bombay and Colaba, and all boats let to hire for such purpose within the Harbour of Bombay, shall bear upon them, in manner as directed by the superintendent of police, on each side, in large English and native figures or characters, a certain number, to be indicated for every such public conveyance in manner hereinafter mentioned; and every person who shall let out to hire any such public conveyance after the expiration of two months from the day of passing this Act, which shall not bear such number in manner aforesaid, or which shall bear any number not indicated as aforesaid, or after notice as hereinafter mentioned to withdraw the same, shall be liable, on conviction before a magistrate of police, to a fine not exceeding 30 rupees.

II. And it is hereby enacted, that the numbers to be used for public conveyances shall be indicated by the superintendent of police on application of the owners of such conveyances, and it shall be lawful for the Court of Petty Sessions, on proof of the breach of any provision of this Act by the owner of any such conveyance as aforesaid, to give such owner notice to withdraw the number which may theretofore have been indicated to him in manner aforesaid.

III. And it is hereby enacted, that every teekabearer, boatman, or other person employed in the conveyance of persons or goods as aforesaid by the owner of any such public conveyance, shall wear, in manner as directed by the superintendent of police, a badge on the upper part of his right arm, with the number of the public conveyance to which he belongs, which badge shall be indicated by the said superintendent; in default whereof every person so employed and not having such badge as aforesaid, shall be liable, on conviction before a magistrate of police, to a fine not exceeding 20 rupees.

IV. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to settle the rates for the hire of such public conveyances as aforesaid, and the rates so settled, if sanctioned by the Governor of Bombay in Council, shall be published twice in the Government Gazette; and after such publication, if the owner or other person in charge of any such public conveyance as aforesaid shall receive or require any higher rate for the hire thereof, or shall refuse a fare upon tender of the prescribed rate, the person or persons on whose application the number of such public conveyance shall have been indicated as aforesaid, or the person receiving or requiring such higher rate or refusing such fare, shall be liable, on conviction before a magistrate of police, to a fine not exceeding 20 rupees: Provided always, that no person shall be deemed to be liable to the penalty in this section, unless the settled rate of hire shall have been duly tendered; and any person refusing to pay the money due from him for the hire of any such conveyance according to the rate settled as aforesaid, shall be liable, on conviction before a magistrate of police, to a fine not exceeding 20 rupees; and no contract for hire under the settled rate shall be valid or binding on any owner of a public conveyance.

V. And it is hereby enacted, that the superintendent of police shall keep a register containing a full description of applicants receiving numbers under this Act, and of every conveyance for which any number is obtained, and of every person for whom any badge is obtained; and every offender using or authorizing the use of any number or badge otherwise than for such particular conveyance or person, shall be liable, on summary conviction before the Court of Petty Sessions, to a fine not exceeding 100 rupees.

ACTS of 1841.

VI. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to appoint stands for public carriages and palkees; and every person in charge of any carriage or palkee found loitering off any such stand for the purpose of hire, shall be liable, on conviction before a magistrate of police, to a fine not exceeding 10 rupees.

VII. And it is hereby provided, that nothing in this Act contained shall extend to prevent any person from letting to hire any conveyance for a month or longer period without any such number being applied for as aforesaid.

VIII. And it is hereby enacted, that all fines imposed by virtue of this Act shall be recoverable in manner provided for by Act II. of 1839.

ACT No. V. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 31st May 1841.

AN ACT for the greater uniformity of the Process upon Trials for State Offences, and the amendment of such Process in certain cases.

I. Whereas it is expedient that the rules of process for the trials of state offences should be modified, with a view to uniformity at the different presidencies; and whereas some of the rules heretofore in force at particular presidencies require amendment;—

It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for state offences, that it shall be competent for the ordinary tribunals to try charges of treason, rebellion, or other crime against the state.

II. And it is hereby enacted, that it shall be competent for the government of any presidency to issue a commission for the trial of any offences of treason, rebellion, or crime against the state, by one or more judges, together with such law officers as shall be required, or without any such officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the courts convened under such commissions are to try the prisoners brought before them in the same manner as in trials before the ordinary courts; and shall exercise all powers and authorities vested in such courts, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the highest court of the East India Company for criminal matters of the presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective presidencies, or by any Act of the Governor-General of India in Council, by the special orders which they may receive from the executive government, or from the highest court of the East India Company for criminal matters in the presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the judges, or law officers of the courts which may be appointed to try offenders under this Regulation, the remaining judge or judges, or law officer or officers, shall be competent to form a court and proceed with the trial or trials, until provision can be made by the government of the presidency for supplying the place of such judge or judges, or law officer or officers, if any such provision shall be deemed necessary; or, if no such provision be made, the powers and proceedings of the said courts shall not be affected by the death or absence of such judge or judges, or law officer or officers.

V. And it is hereby enacted, that the highest courts of the East India Company for criminal matters of the respective presidencies, on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive government of the presidency

presidency for the time being; and are to wait the orders of government for the period of three calendar months before they direct their sentence to be carried into execution. ACTS of 1841.

VI. And it is hereby enacted, that the magistrates of the several zillahs and cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the government of the presidency to which their several districts or cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective governments for the apprehension of persons charged as aforesaid, or for making any inquiry respecting such persons, or for committing them to take their trials before the ordinary courts, or before the special courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

ACT No. VI. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 7th June 1841.

AN ACT for prohibiting the Importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal.

I. It is hereby enacted, that if any person, after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the territories subject to the government of the presidency of Fort William in Bengal, any rum or rum shrub which is the produce of any foreign country, or of any British possession into which foreign sugar or rum can be legally imported, such rum or rum shrub shall be seized by the collector of the customs, or by any other officer authorized to seize and detain contraband goods, and shall be brought to confiscation according to the rules in force for confiscating such goods, unless the district in which such rum or rum shrub is landed, or in which an attempt has been made to land such rum or rum shrub, be a district in which the Governor-General of India in Council has authorized the importation of such rum or rum shrub, and it shall be lawful for the Governor-General of India in Council to authorize the importation of such rum and rum shrub into any district of the territories aforesaid by an order in the official Gazette.

II. And it is hereby enacted, that if any owner of rum or rum shrub, the produce of the said territories, or the duly authorized agent of such owner, be desirous to obtain a certificate of origin from the collector or assistant collector of the land or customs revenue of any district within the said territories, or from any other officer appointed by the Governor-General of India in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (A), and to the said declaration shall be appended a certificate to its verity from any government officer who may be attached to the distillery where such rum or rum shrub is declared to have been manufactured, in the form prescribed in the said Schedule (A).

III. And it is hereby enacted, that if the district be one into which the Governor-General of India in Council has not by any order authorized the importation of foreign sugar or rum, or of sugar or rum the growth or produce of any British possession into which foreign sugar or rum can be legally imported, then the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the Schedule hereunto annexed, marked (B).

IV. And it is hereby enacted, that every person who intends to ship rum or rum shrub from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of customs at that place, or to any other officer who may have been appointed by the governments of the respective presidencies to act on that behalf in place of the collector of customs,

ACTS of 1841. a certificate such as is above described, and also, in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (C).

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such declaration fraudulent and untrue, grant to the person who has made the last-mentioned declaration a certificate in the form contained in the Schedule hereunto annexed, marked (D).

VI. And it is hereby enacted, that the owner of rum or rum shrub intended for exportation under this Act, or the duly authorized agent of such owner, shall not be entitled to any of the certificates described in this Act, unless such rum or rum shrub shall be the produce of a distillery worked according to law, in the European method, under licence from the Board or other authority vested with the management of the revenue derived from the abkarry or tax on spirits.

VII. And it is hereby enacted, that the rum and rum shrub manufactured for exportation to the United Kingdom under this Act at any licensed distillery, shall be manufactured pure, without admixture of spirits made from rice, grains, or any other substance or substances not being the produce of the sugar cane or of the date or palm tree, and shall be so declared and verified at the time of application for a certificate of origin, according to the form of Schedule (A).

VIII. And it is hereby enacted, that if any rum or rum shrub that may be brought to any custom-house for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose declaration certificate of manufacture free from adulteration or mixture may have been granted for the admission of such rum or rum shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such declaration, shall be proceeded against for the false and fraudulent declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth, shall be liable to be punished as in cases of subornation of perjury; and any officer of government subscribing an attestation to the verity of such declaration, knowing the same to be untrue, shall be subject to a like penalty as the false declarant, besides dismissal from the employment of government.

SCHEDULE (A.)

I, A. B., solemnly declare that all the rum or rum shrub hereinunder described, is the produce of the licensed distillery, named _____ in the district of _____; and that the said rum or rum shrub is the produce of _____ sugar cane, date, or palm tree, and wholly free from any admixture of _____ manufactured from rice, grains, or any other substance whatever. _____ court

The _____ day of _____ 18 ____ . (signed)  A. B.

* I,  B. B., government officer in charge on the part of government of the _____ distillery, do hereby certify that the above is a true and correct declaration.

(signed) B. B., government officer
attached to the _____ Distillery.

* This declaration must be drawn out before the rum leaves the distillery, in order that the attestation of the government officer may be attached.

Description of the to which the above Declaration relates.

ACTS of 1841.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and Denomination of Packages.	Marks on Packages.

(signed) A. B.

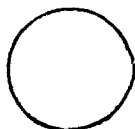
The day of 18 .

Collector's number .

Collector's date of 18 .

(signed) Y. Z., Collector.

Seal of the Collector.



SCHEDULE (B.)

I, C. D., collector of land revenue (or collector of custom revenue, or being an officer appointed by the Governor-General of India in Council to act in this behalf) for the district of do hereby, in conformity with the provisions of Act , grant this certificate under my hand and seal, that the rum or rum shrub described in the declaration hereunto annexed, which is sealed with the seal of this office, numbered of 18 , dated the of 18 , and signed by , manager or owner of the licensed distillery called , is the produce of the district of , and is declared to be free from any admixture of spirits manufactured from other substance than the sugar cane, date, or palm tree ; and that the importation of foreign sugar and rum, and of sugar and rum the growth or produce of any British possessions into which foreign sugar and rum can be legally imported, is prohibited in the said district of

This day of (r. s.) 18 . (signed) C. D.

SCHEDULE (C.)

I, E. F., shipper of the rum or rum shrub, hereinunder described, solemnly declare that all the rum or rum shrub hereinunder described, is, to the best of my knowledge and belief, the same rum or rum shrub to which the certificate now produced by me relates.

(signed) E. F.

Description of to which this Declaration relates.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and Denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

The day of 18 . (signed) E. F.

ACTS of 1841.

SCHEDULE (D.)

I, *R. W.*, collector of customs (or being an officer appointed by the Governor-General of India in Council to act in this behalf), for the port of , certify under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the rum or rum shrub hereinunder described, a certificate under the hand and seal of *C. D.*, collector of land revenue (or collector of custom revenue, or being an officer appointed by the Governor-General of India in Council to act in this behalf), for the district of , in the territories forming part of the presidency of Fort William or Agra, which certificate certifies that the said rum or rum shrub is of the produce of the said district, and is declared to be free from any admixture of spirits manufactured from other substance than the sugar cane, date, or palm tree, and that the importation of foreign sugar and rum, or sugar and rum the growth or produce of any British possession into which foreign sugar and rum can be legally imported, is prohibited in the said district.

(L. S.)

The day of 18 (signed) *R. W.*,
Collector of Customs.

Description of the			to which the Certificate relates.		
Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and Denomination. of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(signed) *R. W.*,
Collector of Customs.

ACT No. VII. OF 1841.

Passed by the Right honourable the Governor-general of India in Council on the 14th June 1841.

AN ACT for a more uniform and an improved Process for taking the Examination of Absent Witnesses.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any court within the territories under the government of the East India Company, and the several judges thereof, in every civil proceeding depending in such court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any officer of such court, or other person or persons named in such order, of any witnesses within the jurisdiction of the court where the proceeding shall be depending, or to order a commission to issue to any subordinate court for the examination of such witnesses upon interrogatories or otherwise, or to order a commission to issue to any other court for the examination of witnesses at any place or places out of such jurisdiction, upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations, as well within the jurisdiction of the court wherein the proceeding shall be depending as without, as may appear reasonable and just: Provided always, that any court to whom

whom any such commission shall be directed shall take the examination in open court, in all cases where witnesses are able to attend in court and are not exempted from attendance by law, absolutely, or at the discretion of the court; provided also, that such commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some court under special circumstances which may appear to the court issuing the commission to render such special direction expedient; provided also, that all commissions issued and orders made by any court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that when any order shall be made for the examination of witnesses within the jurisdiction of the court wherein any such proceeding as aforesaid shall be depending by the authority of this Act, it shall be lawful for the court or any judge thereof, in and by the first order to be made in the matter, or any subsequent order to command the attendance of any person to be named in such order, and to direct the attendance of any such person to be at his own place of residence or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers; and the wilful disobedience to any such order shall be deemed a contempt of court, and punishable as in other cases of refusing or neglecting to give testimony: Provided always, that every person whose attendance shall be required under this Act shall be entitled to the like payment for expenses and loss of time, as upon attendance in court in cases where such expenses are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every court or person authorized to take the examination of witnesses by any order or commission issued in pursuance of this Act, and they are hereby authorized and required to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

V. And it is hereby enacted, that before any order or commission for the examination of any witness under this Act shall be issued, the court or judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness, or other cause allowed by law. And before granting any such commission, the court granting the same shall make particular inquiry as to the present residence of the witness whose deposition is to be taken under such commission, and as to the court of the same degree as the court granting such commission, or of inferior degree to such court which may be nearest to the place of residence of the witness; and the commission shall ordinarily be directed to such court of equal or inferior degree as may most conveniently execute the same: Provided, however, that if there be doubt as to which is the most convenient court of equal or inferior jurisdiction, such commission may be directed to the judge having jurisdiction within the district within which the commission is to be executed; and the judge shall at his discretion execute the commission in his own court, or direct it to any subordinate court within his district, which shall have the same effect for all the purposes of this Act as if the commission had in the first instance been directed to such subordinate court; and no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion more than 50 coss from the place where the court is held, or exempted by law, absolutely or at the discretion of the court, from personal appearance in court, or unless the court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for

ACTS of 1841. the court at its discretion to authorize the reading of the deposition; and all depositions taken under this Act, being duly certified, may be read, at the discretion of the court, without proof of the signature to such certificate.

VI. And it is hereby enacted, that any court other than one of Her Majesty's courts, or any judge thereof, may issue such commissions as aforesaid, and such orders as are indicated in the second and third sections of this Act to be executed within the local limits of the jurisdiction of any of Her Majesty's courts; and all such commissions and orders, except when directed otherwise than to a court, shall be directed to a court of requests having jurisdiction within such limits, or any part thereof.

VII. And it is hereby enacted, that such commissions and orders as aforesaid may be issued for execution under this Act within the territories of princes and states in alliance with the East India Company; and all persons within such last-mentioned territories, being in the service of the East India Company, are hereby required to pay obedience thereto; and for disobedience thereof shall, on being found within the jurisdiction of the court or judge issuing any such commission or order, be punishable in like manner as if such offence had been committed within such jurisdiction; and for giving false testimony under the same shall be punishable by any court of justice within the territories of the East India Company.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the court in which the proceedings for which the evidence is wanted may be pending, and the commission shall be directed to any court, such court may punish the wilful disobedience of any such order as aforesaid as a contempt, notwithstanding it shall not itself have made such order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

ACT No. VIII. OF 1841.

Passed by the Right honourable the Governor-general of India in Council on the 21st June 1841.

AN ACT to enable Her Majesty's Supreme Courts within the Territories of the East India Company to give Relief against Adverse Claims made upon persons having no Interest in the subject of such Claims.

I. Whereas it often happens that a person sued at law for the recovery of money or goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in equity against the plaintiff and such third party, usually called a bill of interpleader, which is attended with expense and delay;

It is hereby enacted, that upon application made by or on the behalf of any defendant sued in any of Her Majesty's Supreme Courts in any action of assumpsit, debt, detinue, or trover, such application being made after declaration and before plea by affidavit or otherwise, showing that such defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not in any manner collude with such third party, but is ready to bring into court or to pay or dispose of the subject matter of the action in such manner as the court (or any judge thereof) may order or direct, it shall be lawful for the court, or any judge thereof, to make rules and orders calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim; and upon such rule or order to hear the allegations as well of such third party as of the plaintiff, and in the meantime to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be plaintiff or defendant on such trial; or, with the consent of the plaintiff and such third party, their counsel

counsel or attornies to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to cost and all other matters as may appear to be just and reasonable. ACTS of 1841.

II. And it is hereby enacted, that the judgment in any such action or issue as may be directed by the court or judge, and the decision of the court or judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from, or under them.

III. And it is hereby enacted, that if such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the court or judge to declare such third party, and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original defendant, his executors or administrators; saving, nevertheless, the right or claim of such third party against the plaintiff; and thereupon to make such order between such defendant and the plaintiff, as to costs or other matters, as may appear just and reasonable.

IV. And it is hereby provided, that every order to be made in pursuance of this Act by a single judge, not sitting in open court, shall be liable to be rescinded or altered by the court in like manner as other orders made by a single judge.

V. And it is hereby enacted, that if, upon application to a judge, in the first instance or in any later stage of the proceedings, he shall think the matter more fit for the decision of the court, it shall be lawful for him to refer the matter to the court, and thereupon the court shall and may hear and dispose of the same in the same manner as if the proceeding had generally commenced by the rule of court instead of the order of a judge.

VI. And whereas difficulties sometimes arise in the execution of process against goods and chattels issued by or under the authority of the said courts, by reason of claims made to such goods and chattels by assignees of bankrupts and other persons, not being the parties against whom such process has issued, whereby sheriffs and other officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to such sheriffs and other officers, it is therefore hereby further enacted, that when any such claim shall be made to any goods or chattels taken or intended to be taken in the execution under any such process, or to the proceeds or value thereof, it shall and may be lawful to and for the court from which such process issued, upon application of such sheriff or other officers, made before or after the return of such process, and as well before as after any action brought against such sheriff or other officer, to call before them, by rule of court, as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the sheriff or other officer, all or any of the powers and authorities hereinbefore contained, and make such rules and decisions as shall appear to be just, according to the circumstances of the case, and the costs of all such proceedings shall be in the discretion of the court.

VII. And it is hereby enacted, that all rules, orders, matters, and decisions to be made and done in pursuance of this Act, except only the affidavits to be filed, may, together with declaration in the cause, if any, be entered of record with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such rule or order, and every such rule or order so entered shall have the force and effect of a judgment, except only as to becoming a charge on any lands, tenements, or hereditaments; and in case any costs shall not be paid within 15 days after notice of the taxation and the amount thereof given to the party ordered to pay the same, his agent or attorney, execution may issue for the same by *fiery facias*, or *capias ad satisfaciendum*, adapted to the case, together with the costs of such entry, and of the execution if by *fiery facias*, and such writ or writs may bear teste on the day of issuing the same, whether in term or vacation, and the sheriff or other officer executing any such writ shall be entitled to the same fees, and no more, as upon any similar writ grounded upon a judgment of the court.

ACTS of 1841.

ACT No. IX. of 1841.

Passed by the Right honourable the Governor-General of India in Council on the 28th of June 1841.

AN ACT concerning the Adjudication of certain Penalties imposed by Act XXV. of 1840, for the better Protection of the Abkaree Revenue within the Presidency of Fort William, in Bengal.

I. It is hereby enacted, in modification of Section XIV. Act XXV. of 1840, that offenders punishable under the said section of the said Act, shall be liable to a fine not exceeding 200 rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to imprisonment not exceeding the same term; and the sentence shall in every case be adjudged by a superintendent of abkaree revenue, indicated in Section II. of the said Act.

ACT No. X. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 5th July 1841.

AN ACT for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the territories, under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council, made in pursuance of the statute 3 & 4 Vict., c. 56.

Preamble.

I. Whereas, by a statute passed in the 3d and 4th years of Her Majesty Queen Victoria, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," it is enacted "that it shall be lawful for the Governor-General of India in Council, by proclamation, to declare that all ships or vessels built or to be built within the limits of the charter of the East India Company, being owned by Her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging, under the regulations hereinafter provided for, to any ports in the territories under the government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, and the territories and dependencies thereof; provided that upon such declaration being made, the said Governor-General in Council shall, and the said Governor-General in Council is hereby accordingly empowered to make regulations, to be enforced by suitable penalties, concerning the registering, licensing, and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas it is further enacted in the same statute as follows, that is to say, "And whereas it may be expedient to admit to similar privileges and advantages, any ships or vessels belonging to native princes or states in subordinate alliance with, or having subsidiary treaties with the East India Company, or owned by subjects of any such princes or states, be it therefore enacted, that the Governor-General of India in Council may by such regulations as aforesaid, such regulations being subject as aforesaid, admit to the privileges and advantages of British ships, for the purposes of trade within the limits of the charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such princes or states, or any of them, or owned by subjects of any such princes or states; but any such regulations shall provide for the granting to such ships or vessels fit and convenient licences or passes, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas, in pursuance of such enactments, it is expedient to frame such regulations as are mentioned therein, the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such proclamation as aforesaid;

It is hereby enacted, that no ship or vessel shall be deemed a British ship under such proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof), unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned, within the territories of the East India Company, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed ; the form of which certificate shall be as follows :

ACTS of 1841.

Ships to be registered.
Certificate of registry.

“ This is to certify, that in pursuance of the Act No. X of 1841, of the Governor-General of India in Council, (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act, and having declared that (he or they), together with (names, occupations, and residence of non-subscribing owners), (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the (ship's name) of (place at which the vessel shall be registered), which is of the burthen of (number of tons), and whereof (master's name) is master, and that the said ship or vessel was (when and where built), and (name and employment of surveying officer) having certified to us that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned), that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head : and the said subscribing owners having consented and agreed to the above description, the said ship or vessel called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of (name of port), this (date) day of (name of month) in the year (words at length) .

(signed) _____

Collector or Registrar of Shipping.

And on the back of such certificate of registry, there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following :

Names of several Owners within mentioned.				Number of Shares held by each Owner.			
Name	-	-	-	-	-	-	32
Name	-	-	-	-	-	-	16
Name	-	-	-	-	-	-	8

&c. &c.,

(signed) _____

Collector.

II. And it is hereby enacted, that the ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local governments of India, as such governments respectively may, from time to time, declare to be registering ports under this Act : Provided, that ships or vessels built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British officer at the place where the ship is built, or if there be no British officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which such ships or vessels respectively shall be afterwards registered : Provided that such ships or vessels so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their

Ports of registry.

ACTS of 1841.

their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship or vessel, shall be liable, on information in any Court of Her Majesty or the East India Company by the advocates-general of the respective presidencies, to a penalty not exceeding 5,000 rupees.

Registrars.

III. And it is hereby enacted, that the persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the statute 3 & 4 W. 4, c. 55, and such other or different persons as the local governments may from time to time appoint for the ports under their respective presidencies.

Book of registry.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act, a book shall be kept by the registering officer in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year; and such registering officer shall forthwith, or within one month at the furthest, send to the government of the presidency to which he is subordinate a true and exact copy, together with the number of every certificate which shall be by him so granted.

Declaration.

V. And it is hereby enacted, that no registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the registering officer, by the owner or major part of the owners of the ship or vessel required to be registered.

I, *A. B.* of (place of residence and occupation) do truly declare that the ship or vessel (name) of (port or place) whereof (master's name) is at present master being (kind of build, burthen, &c. as described in the certificate of the surveying officer) was (when and where) built, and that I the said (*A. B.*) and the other owners (names and occupations, if any, and where they respectively reside) am (or are) sole owner (or owners) of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said (*A. B.*) and the said other owners (if any) am (or are) truly and *bonâ fide* a subject (or subjects) of Her Majesty for whom the Governor-General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship or vessel. Provided that if the registering officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the local government to which he is subordinate.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Measurement to be made.

VII. And in order to enable the registering officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of customs on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous to the registering or granting of any certificate of registry as aforesaid, some one or more person or persons appointed by the local governments respectively, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the

the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the built, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

ACTS of 1841.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule; (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the stern post into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts and measure the inside breadths at the following points, videlicet, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by 3,500, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth and height of such part thereof as may be included within the bulk head; multiply these three measurements together, and dividing the product by 92.4 the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Rules of measurement.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the following manner; (that is to say), measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

Measurement of steam-vessels.

X. And it is hereby provided, that the tonnage due to the cubical contents of the engine room and also the length of the engine room shall be set forth in the certificate of registry as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine room, or of such length of the engine room, after registry, shall be deemed to be an alteration requiring registry *de novo* within the meaning of the said Act for the registering of ships or vessels.

Alterations in steam-vessels requiring new registry.

XI. And it is hereby enacted, that for the purpose of ascertaining the tonnage of all such ships, whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following

Measurement of laden vessels.

ACTS of 1841. rule shall be observed and is hereby established ; (that is to say), measure, first, the length of the upper deck between the afterpart of the stem and the forepart of the stern-post ; secondly, the inside breadth on the underside of the upper deck at the middle point of the length ; and, thirdly, the depth from the under side of the upper deck down the pump-well to the skin ; multiply these three dimensions together, and divide the product by 130, and the quotient will be the amount of the register tonnage of such ships.

Registered tonnage to be marked. XII. And it is hereby enacted, that the true amount of the register tonnage of every merchant ship or vessel belong to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship or vessel, prior to her being registered.

Country craft not exceeding 200 tons. XIII. And it is hereby provided, that country craft employed in coasting voyages not exceeding the burden of 200 tons, may be registered and the tonnage marked according to rules to be prescribed from time to time by the respective local governments.

Registered tonnage to be repeated in every subsequent register. XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form or burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

Fraudulent use of certificate. XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable upon conviction by information as aforesaid to a penalty not exceeding 10,000 rupees ; and in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East India Company, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the territories of the East India Company to the registering officer at such port, in default whereof the master or any of the owners shall be liable on conviction by information as aforesaid in a penalty not exceeding 5,000 rupees ; and if any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East India Company, then and in such case the certificate of registry shall within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the registering officer at such port, and if such ship or vessel shall be in any place not within the territories of the East India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within 14 days after the arrival of such ship or vessel, or of the master thereof, in any port of the territories of the East India Company to the registering officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any justice of the peace, in a penalty not exceeding 5,000 rupees, recoverable in manner provided by Act No. II. of 1839.

Change of master. XVI. And it is hereby enacted, that when and so often as the master of any ship or vessel registered in manner hereinbefore directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such certificates of registry at the port where such change shall take place, if it be a port within the territories of the East India Company, the certificate of registry belonging to such

such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry; but if the change do not take place in any port within the territories of the East India Company, then such delivery, memorandum, and indorsement shall be made, and notice given at the first port within the territories of the East India Company at which the new master shall arrive after such change; in default of which delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a justice of the peace, to a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

ACTS of 1841.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and that the owner or owners of all and every ship or vessel which shall be so registered shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same, and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any officer or officers of revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void; and such owner or owners, or master or other person having or taking the charge or command of such ship or vessel shall be liable, on information as aforesaid, to a penalty not exceeding 10,000 rupees.

Name of ship.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall, and they are hereby required, to produce to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel; or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Certificate of building.

XIX. And it is hereby enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship is registered, such officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted: Provided always, that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such registering officer shall and may grant a license for the present use of such ship or vessel, which license shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always, that if the certificate of registry shall at any time afterwards be found, the same shall

Certificate lost or mislaid.

ACTS of 1841.

be forthwith delivered to the proper officers of customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become utterly void; and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any justice, in a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

Detention of certificate.

XX. And whereas it is not proper that any person, under any pretence whatever, should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted; it is therefore hereby enacted, that in case any person who shall have received or obtained, by any means or for any purpose whatever, the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel or not), shall wilfully detain and refuse to deliver up the same to the proper officers of customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any justice of the peace residing near to the place where such detainer and refusal shall be; and on such complaint the said justice shall, and is hereby required, by warrant under his hand and seal to cause the person so complained against to be brought before him to be examined touching such detainer and refusal; and if it shall appear to the said justice, on examination of such person or otherwise, the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject, on conviction before such justice, to a penalty not exceeding 1,000 rupees, recoverable as aforesaid; and the said justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship or vessel was registered, it shall be lawful for the said officer to permit such ship or vessel to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship or vessel in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

Registration *de novo*.

XXI. And it is hereby enacted, that if any ship or vessel after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered *de novo* in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port within the territories of the East India Company, on failure whereof such ship or vessel shall be deemed to be a ship or vessel not duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable on conviction before any justice to a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

Testimony of registering officers.

XXII. And whereas great inconvenience may arise from the registering officers being served with subpoenas requiring them to bring with them and produce, on trials in Courts of Law relative to the ownership of vessels, or otherwise, the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom: And whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with, it is therefore

fore hereby enacted, that the registering officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy or copies of any such oath or declaration, registry or entry, shall upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any registering officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such original or originals if produced by any registering officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

ACTS of 1841.

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person or persons shall for every such offence be liable on conviction upon information as aforesaid to a penalty not exceeding 10,000 rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

False declaration.
Falsifying documents.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a native prince or state, or by any subject of such native prince or state as aforesaid, it shall be lawful for the Governor of Fort William in Bengal, or for the Governor in Council of any presidency, to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Company's seal and subscribed by a secretary to government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last; and it shall be lawful for the Governor of Fort William in Bengal, or the Governor in Council of any presidency, to issue a similar pass conferring the privileges and advantages of a British ship, for the purposes aforesaid under this Act, to any ship or vessel built within the dominions of such native prince or state, and owned by such prince or state, or by any of their subjects, provided always, that the ships belonging to native princes or states, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor-General in Council has power to legislate.

Ships of native States.

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor-General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different presidencies.

Fees.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered; and all ships or vessels being registered or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall for the purpose of being deemed British ships be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted; and such ships or vessels built and owned as required by the Statute 3 and 4 Vict. c. 56, shall continue subject to all the rules in force at the respective presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of

Ports to which ships belong.

ACTS of 1841. the statute law, a compliance with which may heretofore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

The Governor-General of India in Council hereby declares that all ships and vessels built or to be built within the limits of the charter of the East India Company (as those limits are defined by the statute 3d and 4th of Queen Victoria, c. 56, entitled "An Act further to regulate the trade of ships built and trading within the limits of the East India Company's Charter,") being owned by Her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging under the provisions of the Act passed by the Governor-General in Council No. X. of 1841, to any ports in the territories under the government of the East India Company, shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof.

ACT No. XI. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 5th of July 1841.

AN ACT for Consolidating and Amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the Service of the East India Company.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning military courts of requests are repealed; provided always, that nothing in this Act contained shall be held to alter or affect the jurisdiction of a single officer duly authorized and appointed under the rules in force in the Madras and Bombay presidencies for the trial of small suits in military bazars at cantonments and stations occupied by the troops of those presidencies respectively, or the trial by Panchayet of suits against military persons according to the rules in force under the Madras presidency.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the territories of the East India Company, actions of debt and other personal actions against native officers, soldiers, and other persons amenable to the articles of war for the native forces in the military service of the East India Company, or residing within any station or cantonment, and carrying on any trade or business in a military bazar, shall be cognizable before a military court and not elsewhere, provided the value in question shall not exceed 200 rupees, and the defendant was a person of the description above-mentioned, when the cause of action arose, and when the suit was instituted: Provided that no suit shall be brought before any military court under this Act to determine any dispute of caste, or concerning any right to real property.

III. And it is hereby enacted, that the commanding officer of any station or cantonment, or officer commanding any portion of troops in the field, is authorized to convene such military courts; and such courts shall be composed, according to the orders of the commander-in-chief for the time being of the presidency within which the station or cantonment is situate, or, in the absence of such orders, according to the discretion of the convening officer, either of not less than three European commissioned officers, or of not less than three native commissioned officers, and, in the latter case, with an European officer of not less than five years' standing, to superintend and record the proceedings: Provided, that if there be not a sufficient number of officers to constitute a court at the station or cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined at the nearest station or cantonment where a military court can be duly constituted as aforesaid.

IV. And it is hereby enacted, that such military courts shall be convened monthly

monthly, and shall be holden on some convenient day before the issue of the ACTS of 1841.
pay for each month.

V. And it is hereby enacted, that the forms of proceeding in every such court shall be conformable to the usages observed on trials before courts martial held for the native troops in the service of the East India Company as far as the same are applicable; and any such court shall have the like power of summoning witnesses as is possessed by courts martial: Provided always, that every such court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion; and every such court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the civil courts of the East India Company, under Act No. VII. of 1841, provided that the depositions taken under a commission issued by any military court of requests shall be receivable in evidence before any such court subsequently held; provided also, that commissions may be issued by military courts of requests under this Act, pursuant to the provisions of Act No. VII. of 1841, notwithstanding the courts to which the commissions may be directed are not situate beyond the jurisdiction of such military courts.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury shall be tried and punished, if amenable to articles of war, by a court martial, subject to all the rules contained in such articles of war for the punishment of such offences in regard to trials for military offences; and if not amenable to articles of war, they may be tried and punished in the nearest of the courts of the East India Company for the administration of criminal justice (whether such court have ordinarily jurisdiction over such person in criminal matters or not) in like manner as if such offences had been committed in regard to any trial before such nearest court.

VII. And it is hereby enacted, that any person, civil or military, European or native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not) the proceedings of any military court of requests, shall be punishable, if amenable to articles of war, by a court martial, or if not amenable to articles of war, in the nearest of the courts of the East India Company for the administration of criminal justice (whether such court have ordinarily jurisdiction over such person in criminal matters or not), in like manner as if the offence had been committed in regard to any proceeding of the court to which it is so referred.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any military court of requests; and such record shall contain the substance of the evidence given, and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the members of the said court; and such record or a copy thereof shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European President, or superintending officer of every such court, to the officer commanding the station or cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of 200 rupees only; and the judgment in respect of any demand in a court of requests shall be a bar to the recovery of the same demand, or of any other or further demand for the same cause of action in any other court whatever, provided that the liability accrued before the time of instituting the suit in the military court; and it shall be competent for every such military court to investigate any counter claim alleged by any defendant; and it shall be competent for every such military court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions; and every contract made after the passing of this Act upon which a demand for debt exceeding 20 rupees is founded, not being money due for goods bought and delivered, shall be in writing and expressed in the language of the defendant and.

ACTS of 1841.

and signed by him, or on his behalf by some other person than the plaintiff: provided that it shall not be competent to any court of requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay made within six years of the commencement of the suit be proved.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend either personally or by representative, or to produce his witnesses according as he shall be required by any military court of requests, such court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence; and if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted, that it shall be lawful for the commanding officer, to whom the proceedings have been transmitted as aforesaid, to return the same for revision either by the same or another military court of requests; and in every such case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit: Provided always, that in the case of any new trial the court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing, and shall deliver the same to the station staff officer; the claims shall be entered in a schedule by the station staff-officer, which schedule is to be sent to adjutants of corps or heads of departments two days at least before the assembly of the court, and the adjutants or heads of departments shall be responsible that the defendants belonging to their respective corps or establishments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any military court of requests shall be published in the station orders before the same is executed.

XIV. And it is hereby enacted, that the execution of decrees of military courts of requests may be either general or special, according to the sentence of the court: Provided always, that the commanding officer may, notwithstanding the direction of the court, order that the execution shall be general or special, at his discretion.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt if not paid forthwith, shall, under the authority of the commanding officer in writing to be signed by him, be levied by seizure and public sale of such of the debtor's goods (under which term are included houses or other erection within the limits of stations and cantonments) as may be found within the limits of the station or cantonment, or elsewhere; and if sufficient goods are not to be found, the debtor, if not a soldier, shall be arrested and imprisoned in any civil gaol near to the station or cantonment, (for which purpose the provisions of Act No. II of 1840 shall be applicable) or in any other convenient place of confinement situate within the limits of the station or cantonment, for the space of two months, unless the debt be sooner paid; and his goods, if found within the limits of the station or cantonments, or elsewhere, at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt; and if the debtor be a soldier, and the debt be not liquidated by sale of his effects, accoutrements and necessaries excepted, an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor, under the rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor, and not otherwise; and a certificate of the decree and direction or order thereon, certified under the hand of the commanding officer and signed by him, shall be a sufficient authority for making such stoppages: Provided always, that no more than one-half of the pay and allowances of any commissioned officer, or than one-fourth of the pay and allowances of any non-commissioned officer or soldier shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the frontier of territories of the East India Company, actions of debt and other persons
ac

actions may be brought before such military courts as aforesaid, against persons so amenable as aforesaid, for any amount of demand: Provided, that such military courts beyond the frontier shall be composed of European officers; and provided, that if the amount of claim shall exceed 200 rupees, an appeal shall lie to the Court of Sudder Adawlut of the nearest presidency, according to the rules in force with regard to appeals from subordinate civil courts.

ACTS of 1841.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced, or which shall be commenced before the 10th day of August next.

ACT No. XII. OF 1841.

Passed by the Right honourable the Governor-general of India in Council on the 19th of July 1841.

AN ACT for Amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

I. Whereas it is deemed expedient, with a view to the benefit of the agricultural community, to regulate the number of periodical sales of estates for arrears of revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of mehals, the whole of the land revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the land revenue;—

Preamble.

It is hereby enacted, that section 2, Regulation XIV. 1793; section 2, Regulation III. 1794, Regulation XI. 1822, except sections 36 and 38, and Regulation VII. 1830, are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

Regulations rescinded.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of land revenue which shall fall due after the date specified in section XXXV. of this Act.

Interest and penalty abolished.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine with regard to each permanently settled district or zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing by sale of mehals the arrears of land revenue due thereupon; and the said Board shall give notice of the dates so fixed in the Calcutta Gazette, and shall direct corresponding publication to be made, as far as regards each district, in the language of that district, in the office of the collector or other officer duly authorized to hold sales under this Act, and in the courts of the judge, magistrate, principal sudder ameens, sudder ameens, and sudder moonsiffs; and the days so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued on every occasion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect; provided always, that another notice shall also be given for a period of not less than 15 clear days previous to each fixed date of sale, by advertisement, to be stuck up in each of the forenamed offices and courts, and the collector shall be bound to furnish, during this interval, to all inquirers full particulars as to what estates are in balance, and the amount due on each.

Days fixed for sale.

IV. And it is hereby enacted, that in districts not permanently settled, and in the province of Benares, no sale shall take place for arrears of land revenue or deer demand of government, without the special sanction of the Sudder Board the revenue previously obtained in each several case of sale.

Exception in unsettled provinces and Benares.

And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kist-debt of any mehal have been regulated, be unpaid on the first of the following month

Definition of an arrear.

ACTS of 1841. month of such year, the sum so remaining unpaid shall be considered an arrear of revenue.

All estates in arrear to be sold.

VI. And it is hereby enacted, that except as hereinafter excepted, all estates from which, at sunset of the day preceding that fixed for a sale, an arrear of revenue may be due, shall, on the said fixed day, or on the day or days following, as hereinafter provided, be put up to public auction by and in the presence of the collector or other officer authorized by government to exercise the powers of collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a sale shall bar or interfere with the sale, either at or after its conclusion.

Claims to abatement and set off.

VII. And it is hereby enacted, that no claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of government, nor any private demand or cause of action whatever, held or supposed to be held by any defaulter against government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due time, made by the defaulter, the collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

Exceptions.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period of not less than 15 clear days preceding the day of sale, in the office of the collector, or other officer as aforesaid, by whom the sale is intended to be made, in the court of the judge within whose jurisdiction the land advertised lies, in the courts of all the principal sudder ameen, sudder ameen and moonsiffs of the district, and at the police thannah of the division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the officer at whose office such publication may have been made; and also at the cutcherry of the malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose; and it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due, which may be made after sunset of the day preceding the fixed day of sale, will bar or interfere with the sale either at or after the transaction.

1st. Arrears due from or to be recovered by the sale of estates not permanently settled.

2d. Arrears, other than those of the preceding year.

3dly. Arrears due on account of other than that to be sold.

4thly. Arrears of estates under attachment by order of the judicial authorities.

5thly. Arrears due on account of cess, poolbundee, or other demands, not being land revenue, but recoverable by the same process as arrears of land revenue.

Payments by non-proprietors.

IX. And it is hereby enacted, that collectors shall, at any time before sunset of the day preceding the fixed day of sale, receive as a deposit, from any party not being a proprietor of the estate in arrear, the amount of the arrear of revenue due from it, to be carried to the credit of the said estate at sunset, as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate; and in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a court of justice, for the possession of the same or any part thereof, it shall be competent to the judge of the zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants; and if the party depositing, whose money shall have been credited

credited as aforesaid, shall prove, before a competent civil court, that the deposit was made in order to protect an interest of the said party, which would have been endangered or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit, with interest, from the proprietors of the said estate.

ACTS of 1841.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years; and no estate held under attachment by the revenue authorities, otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment; and no estate held under attachment by a revenue officer, in pursuance of an order of a judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

Ward's estates and minor's.

Attached by a revenue officer.

Attached by a Court.

XI. And it is hereby enacted, that it shall be competent to the collector at any time before the sale of an estate shall have commenced, to exempt such estate from sale; and in like manner it shall be competent to the commissioner of revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the collector to that effect in each case; and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate: Provided, however, and it is hereby enacted, that the collector or commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the commissioner shall not affect the legality of a sale which may have taken place before the receipt by the collector of the order for exempting it from sale.

Exemption from sale.

Proviso.

XII. And it is hereby enacted, that sales shall ordinarily be made by the collector or other officer duly authorized by government in that behalf in the land revenue cutcherry at the Sudder station of the district; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales, other than such cutcherry, whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the collector, or other officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable from any cause to complete it, he shall be competent to adjourn it to the next day following, not being Sunday, or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the commissioner of revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry; and so on, from day to day, until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

Adjournment.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the towjee, or registers in use in the collector's office of the district, being put up first, and so on, in regular sequence; and it shall not be lawful for the collector, or other officer as aforesaid, to put up any estate out of its regular order by number.

Order of sale.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the collector may think necessary, either in cash, Bank of Bengal notes, or post bills, or Government securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the estate shall forthwith be put up again and sold.

Deposit on purchase.

ACTS of 1841.

Balance of purchase-money.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the 30th day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or, if the 30th day be a Sunday, or other close holiday, then on the first office day after the 30th: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale, which may be eventually consummated, being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids: Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII. of this Act.

Rents stopped after notice for sale.

XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the collector, or other officer as aforesaid, shall affix a proclamation in the language of the district in his cutcherry; and as soon thereafter as may be in the cutcherries of the moonsiffs, and of the darogahs of police, within whose jurisdiction or jurisdictions any part of such estate may be situated; and also at the cutcherry of the malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate to pay rent falling due subsequent to the date therein specified, and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

Appeal.

XVIII. And it is hereby enacted, that it shall be lawful for the commissioner of revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the collector for transmission to the commissioner on or before the tenth day from the day of sale, and not otherwise; and the commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government securities, on the amount of deposit or balance of purchase money during the period of its being retained in the collector's office, and the order of the commissioner shall, in such cases, be final.

Government may restore estate.

XIX. And it is hereby enacted, that it shall be competent to the commissioner of revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the local government to annul the sale; and the local government in any such case may annul the sale, and cause the estate to be restored to the proprietor, on such conditions as may appear equitable and proper.

Sale when to be final.

XX. And it is hereby enacted, that all sales of which the purchase-money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the 30th day from the day of sale, reckoning the said day of sale, as the first of the said 30 days; and sales against which an appeal may have been preferred, and the appeal dismissed by the commissioner, shall be final and conclusive from the date of such dismissal, if more than 30 days from the day of sale, or if less, then at noon of the 30th day as above provided.

Certificate of title.

XXI. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the collector or other officer as aforesaid, shall give to the purchaser a certificate of title in the following form: •

I certify

I certify that A. B. has purchased at public auction under Act XII. of 1841, ACTS of 1841.
 Mehal C., and that his purchase has taken effect on and since the _____ day of _____
 (being the date of sale).

(signed) *D. E.*, Collector.

And the said certificate shall be deemed in any court of justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the collector shall also notify such transfer by written proclamation in his own cutcherry, and in those of the moonsiff and darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the cutcherry of the malgoozar of the estate, or on some conspicuous place on the estate; and shall apply the purchase-money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a re-sale; and secondly, to the liquidation of all outstanding demands debited to the muhal in the public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt: Provided that, if prior to payment of any surplus that may remain of the purchase-money after liquidation of all government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of decrees of court for such debts; and if the balance of purchase-money have in any such case been paid away in liquidation of the proprietor's just debts by order of any court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs. Benamsee purchase.

XXIII. And it is hereby enacted, that the annulment of a sale by a commissioner shall be publicly notified by the collector or other officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act, and the amount of deposit and balance of purchase-money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made. Notice of annulment.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of revenue shall be answerable for all instalments of the revenue of government which may fall due subsequently to the day of sale: Provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of revenue which fell due subsequently to the day of the first sale. Purchaser liable for mesne revenue.

XXV. And it is hereby enacted, that no sale for arrears of revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a court of justice, except upon the ground of its having been made contrary to the provisions of this Act; and except the contravention thereto shall have been declared and specified in an appeal made to the commissioner, under Section XVIII. of this Act, and except the action in the civil court be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act; and no person shall be entitled to contest the legality of a sale after having received any portion of the purchase-money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act; Grounds and conditions of reversal by a civil court. Proviso.

ACTS of 1841.

from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

Refund on reversal
of sale.

XXVI. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a court of justice, the purchase-money shall be refunded to the purchaser by government, together with interest at the highest rate of the current public securities.

Enhancement of
rents in Bengal,
&c.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled, after notice given under Section X. Regulation V. 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as *istemraree* or *mocurreree* at a fixed rent, more than 12 years before the permanent settlement.

Secondly. Tenures existing at the time of the decennial settlement, which have not been, or may not be, proved to be liable to increase of assessment, on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by *Khood Kasht* or *Kudeemee Ryots* having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under *bonâ fide* leases at fair rents, temporary or perpetual, for the erection of dwelling-houses or manufactories, or for mines, gardens, tanks, canals, places of worship, burying-grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date: Provided that a written notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease and the names of the parties, shall at the same time be given by the latter to the collector in every case, and the collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the public revenue will be materially affected thereby. The exception declared in this clause shall not extend to leases objected to by the collector, by a notification to be fixed up in his office, with the sanction of the commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of revenue, shall be at liberty by suit in court to set aside all such farms, although the same be underwritten and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

Under-tenures
elsewhere.

XXVIII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in districts other than those mentioned in Section XXVII. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling-houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect: Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former *malgoosar*,
zar,

zar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, Mouzah, or other local division, such persons are liable to be called upon for any new assessment or other demand not interdicted by the regulations of government.

ACTS of 1841.

XXIX. And it is hereby enacted, that it shall be competent to the local government when it shall seem proper, at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors or predecessors, may have burthened his assessed estate, or to such of them as shall appear proper: in all such cases, notice of the condition imposed by the local government shall be given by the collector at the time of calling up the lot for sale, and such further notification shall be made as the local government may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the local government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made, without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVII. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the local government to direct that the muhal shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the local government to direct a portion or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

Local government may reserve all under-tenures.

XXX. And it is hereby enacted, that excepting copartners of estates under butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner; or who, by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale, and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

Purchase by a recorded or unrecorded proprietor or co-partner, &c.

XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

Arrears of rent.

XXXII. And it is hereby enacted, that any collector or officer exercising the powers of collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open cutcherry or office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the magistrate to whom such an offender may be sent by a collector as aforesaid, shall carry his sentence into effect: Provided that an appeal from any order passed under this Section shall lie to the revenue commissioner, whose decision shall be final.

Contempt.

XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

Default.

ACTS of 1841.

Operation of Act.

XXXIV. And it is hereby enacted, that the operation of this Act shall be confined to the provinces of Bengal, Behar, Orissa, and Benares, now subject to the General Regulations, and to the ceded and conquered provinces similarly subject to the General Regulations under the government of the presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the town of Calcutta, or the settlements of Singapore, Penang, or Malacca.

Date of effect.

XXXV. And it is hereby enacted, that this Act shall have effect on and after the 1st day of January 1842.

ACT No. XIII. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 16th August 1841.

AN ACT for Explaining the Provisions of Act No. XXV. of 1836.

I. It is hereby declared and enacted, that the import duty on wine and spirits in casks shall be settled on the quantities registered at the time of importation without any deduction whatsoever: Provided always, that the keeper of every warehouse indicated by Act No. XXV. of 1836, shall, in accounting with the Customs' Department for the article so warehoused, be allowed ullage on such wine and spirits at the rate of 10 per cent. for one year, according to the time for which such wine and spirits shall have been lodged.

ACT No. XIV. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 23d August 1841.

AN ACT for the better Regulation of Markets in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whoever shall sell or expose for sale as good meat the flesh of animals that have died, or other noxious and unwholesome provisions of any kind, or shall use any false weights or measures for the purpose of fraud, or shall be guilty of any nuisance affecting the public health in any market within the islands of Bombay and Colaba, shall be liable on conviction before a magistrate of police to a fine not exceeding 200 rupees.

II. And it is hereby enacted, that it shall be lawful for any magistrate of police from time to time to examine all weights and measures used in any market within the said islands, and all provisions exposed for sale therein, and to cause such weights and measures as he shall find to be false, and such provisions as he shall find to be noxious and unwholesome, to be forthwith destroyed; and every person obstructing any magistrate of police in the premises, shall be liable on summary conviction before the Petty Sessions to a fine not exceeding 200 rupees, or to imprisonment with or without hard labour for three months.

ACT No. XV. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 23d August 1841.

AN ACT for exempting Residents within Calcutta from giving Security in Suits in the Mofussil Courts on certain occasions.

I. Whereas great inconvenience has been experienced by residents within Calcutta, by reason of their being obliged to give security in suits in the Mofussil courts, under Regulation IX. of 1819, Section 7; and whereas there is no occasion

occasion for requiring such security now that by Act No. XXIII. of 1840, property within Calcutta is liable to be seized under the process of the Mofussil courts;— ACTS of 1841.

It is hereby enacted, that Section 7, Regulation IX. of 1819, of the Bengal code, is hereby repealed.

ACT No. XVI. OF 1841.

Passed by the Right honourable the Governor-General of India in Council on the 30th of August 1841.

AN ACT concerning the taking of Oaths of Qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course heretofore deemed necessary for taking of oaths by justices of peace, in order that they may be duly qualified to act under commissions of the peace;—It is hereby enacted, that all persons who are or shall be nominated and appointed in any commission of the peace, shall be capable of acting as justices of the peace in every respect, according to the tenor of such commission, upon taking and subscribing, in any civil or criminal court of justice within the places in and for which any such commission shall have issued, before the officer presiding in such court, whether such officer be a justice of the peace or not, the oaths appointed to be taken by justices of the peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the courts of justice in which the said oaths shall have been administered.

II. And it is hereby enacted, that every justice of the peace who, before the passing of this Act, shall have had administered to him the oaths of qualification by any other justice of the peace, shall be deemed to have been duly qualified to act as a justice of the peace from the time of taking such oath, and shall continue so qualified notwithstanding such oath may not have been taken in a court of justice, as required by any previous law, or by this Act.

ACT No. XVII. OF 1841.

Passed by the Right honourable the Governor-General of India in Council on the 30th of August 1841.

AN ACT for amending the Proceedings in Appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the territories subject to the Presidency of Fort William, in Bengal, by an order, under the signature of the register of such court, to transfer to such register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the rules prescribed by the general Regulations of government.

II. And it is hereby enacted, that in proceedings before the said courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut to frame such rules of practice for the due exercise of the civil and criminal jurisdiction vested by the Regulations in those courts, as may from time to time be found requisite; and such rules, when so framed, shall be submitted to the Governor-General of India in Council; and after the same shall have been approved by the said Governor-General of India in Council, they shall be of the same force as if they were inserted in this Act.

ACTS of 1841.

ACT No. XVIII. OF 1841.

Passed by the Right honourable the Governor-General of India in Council on the 30th of August 1841.

AN ACT for consolidating and amending the Enactments concerning the Exportation of Military Stores.

I. It is hereby enacted, that arms, ammunition, and military stores (with the exception of arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the territories of the East India Company, without a license from a public officer or officers for each presidency, to be indicated by the governments of the respective presidencies, for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such officer or officers in regard to such exports by the aforesaid governments respectively; and any arms, ammunition, or military stores, which any person shall export, or attempt to export or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the officer or officers authorized, as aforesaid, to grant licenses, or the collector of customs; and every person offending in the premises contrary to this Act shall be liable, on conviction before a magistrate, to a penalty not exceeding 500 rupees.

II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of gunpowder exceeding 50 lbs., without a license from such officer as aforesaid, shall be liable, on conviction before a magistrate, to a penalty not exceeding 500 rupees; and such gunpowder shall become forfeited on the award of the officer or officers authorized to grant licenses as aforesaid, or the collector of customs.

III. And it is hereby enacted, that it shall be lawful for any of the governments aforesaid to allow at any port or ports the exportation of arms, ammunition, and military stores as aforesaid, without any such license as aforesaid, as they shall deem expedient.

ACT No. XIX. OF 1841.

Passed by the Right honourable the Governor-General of India in Council on the 6th of September 1841.

Act for the protection of Moveable and Immoveable Property against Wrongful Possession in cases of Successions.

I. Whereas much inconvenience has been experienced where persons have died possessed of moveable and immoveable property, and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property, and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs, when out of possession, to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession: And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit: And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession, will be too tardy a remedy for obviating them all, especially as regards moveable property: And whereas it may be expedient, prior to the determination of the summary suit, to appoint a curator to

to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste, or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case: And whereas it will be very inconvenient to interfere with successions to estates by the appointment of curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:—

It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the judge of the court of the district where any part of the property is found or situate, for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards, in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And it is hereby enacted, that the judge to whom such application shall be made, shall, in the first place, inquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession, or taking forcible means for seizing possession, has no lawful title, and that the applicant, or the person on whose behalf he applies, is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide*.

IV. And it is hereby enacted, that in case the judge shall be satisfied of the existence of such strong ground of belief, but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned), and shall deliver possession accordingly: Provided always, that the judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the inquiry necessary for citing the party complained of or not.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof, is likely to expose the party out of possession to considerable risk, provided he be the lawful owner; it shall be lawful for the judge to appoint one or more curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof: Provided always, that, in the case of land, the judge may delegate to the collector or to his officer the powers of a curator, and also that every appointment of a curator in respect of any property be duly published.

VI. And it is hereby enacted, that the judge shall have power to authorize such curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession: Provided always, that it shall be entirely discretionary with the judge whether he shall allow the party in possession to continue in such possession on giving security, or not; and any continuance in possession shall be subject to such orders as the judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted, that the judge shall exact from the curator security for the faithful discharge of his trust, and for rendering satisfactory

ACTS of 1841.

accounts of the same as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding five per centum on the personal property and on the annual profits of the real property: all surplus monies realized by the curator shall be paid into Court, and invested in public securities for the benefit of the persons entitled thereto upon adjudication of the summary suit: Provided always, that although security shall be required from the curator with all reasonable dispatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed curator, yet no delay in the taking of security shall prevent the judge from immediately investing the curator with the powers of his office.

VIII. And it is hereby enacted, that where the estate of the deceased person shall consist wholly or in part of land paying revenue to government, in all matters regarding the propriety of citing the party in possession, of appointing a curator, and of nominating individuals to that appointment, the judge shall demand a report from the collector, and the collector is hereby required to furnish the same. In cases of urgency the judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto; but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewanny Adawlut; and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the judge to proceed conformably to the report of the collector.

IX. And it is hereby enacted, that the curator shall be subject to all orders of the judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the curator on behalf of the estate: Provided, that an express authority shall be requisite in the sunnud of the curator's appointment for the collection of debts or rents; but such express authority shall enable the curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted, that pending the custody of the property by the curator, it shall be lawful for the judge to make such allowances to parties having a *prima facie* right thereto as upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require; taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted, that the curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property file a detailed account of his administration to the satisfaction of the judge.

XII. And it is hereby enacted, that the accounts of any such curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such curator; and if it be found that the accounts of any such curator are in arrear, or if they shall be erroneous or incomplete, or if the curator shall not produce them whenever he shall be ordered to do so by the judge, he shall be liable to a fine not exceeding 1,000 rupees for every such default.

XIII. And it is hereby enacted, that after the judge of any district shall have appointed any curator, such appointment shall preclude the judge of any other district within the same presidency from appointing any other curator, provided the first appointment be in respect of the whole of the property of the deceased; but if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same presidency of another curator in respect of the residue or any portion thereof: Provided always, that no judge shall appoint a curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another judge; and provided further, that if two or more curators be appointed by different judges for several parts of an estate, it shall be lawful for
the

the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one curator of the whole property. ACTS of 1841.

XIV. And it is hereby provided, that this Act shall not be put in force unless the aforesaid application to the judge be made within six months of the decease of the proprietor whose property is claimed by right in succession.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of settlement; neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease in the event of minority or otherwise, in opposition to such directions; but in every such case, so soon as the judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided, that this Act shall not be put in force for the purpose of disturbing the possession of the Court of Wards of any presidency; and in case a minor, or other disqualified person whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the judge, if he determines to cite the party in possession, and also appoint a curator, shall invest the Court of Wards with the curatorship of the estate pending the suit, without taking such security as aforesaid; and in case the minor or other disqualified person shall, upon the adjudication of the summary suit, appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit, either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted, that the decision of the judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted, that it shall be lawful for the governments of the respective presidencies to appoint public curators for any district or number of districts; and the judge having jurisdiction shall nominate such public curator or curators in all cases where the choice of a curator is left discretionary with him under preceding provisions of this Act.

XX. And it is hereby enacted, that whenever a person dies leaving moveable or immoveable property within the local limits of the jurisdiction of any of Her Majesty's Supreme Courts, and such court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said court to authorize and enjoin the ecclesiastical registrar, or one or more curators, to collect such effects, and hold or deposit or invest the same in such manner and place, and upon such security, and subject to such orders and directions as the court may deem expedient.

ACT No. XX. of 1841.

Passed by the Right Honourable the Governor-General of India in Council
on the 6th September 1841.

AN Act for facilitating the Collection of Debts on Successions, and for the security of Parties paying Debts to the Representatives of Deceased Persons.

I. Whereas it is expedient to provide greater security for persons paying to the representatives of deceased Hindoos, Mahomedans, and others not usually designated as British subjects, debts which are payable in respect of the estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same:

ACTS of 1841. No debt recoverable without a certificate.	It is hereby enacted, that no debtor of any deceased person shall be compelled in any court of law to pay his debt to any person claiming to be entitled to the effects of any deceased person, or any part thereof, except on the production of a certificate, to be obtained in manner hereinafter mentioned, or of a probate or letters of administration, unless the court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.
Manner of obtaining certificate.	II. And it is hereby enacted, that the zillah or district court within the jurisdiction of which any part of the property of the deceased may be found, shall have authority to grant a certificate under this Act; the applicant in his petition shall set forth his title; the judge shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate, and grant the same accordingly.
Effect of certificate.	III. And it is hereby enacted, that the certificate of the district or zillah judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favour the certificate has been granted.
Security taken from grantee of certificate.	IV. And it is hereby enacted, that the district or zillah judge may take such security as he shall think necessary from any person to whom he shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.
Decision of Judge, how far final.	V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The court may also upon petition, after a certificate shall have been granted by the district or zillah judge, grant a fresh certificate in supersession of the certificate granted by the district or zillah judge; and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.
Local extent of power given by certificate.	VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.
Government notes and dividends.	VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on government notes and dividends, or on shares of any bank or parts thereof, and to negotiate such securities; he may be also empowered to receive a share of such interest or dividends or to negotiate a share of such securities: but these powers shall only arise by express words in the certificate.
Payments under certificate void by reason of previous certificate.	VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid but for the previous grant of a certificate, all payments made to the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.
Certificate after previous grant of probate of letters void.	IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans and other persons not usually designated by the term British subjects, that no certificate in respect of any such property shall be valid, if made after a probate or letters of administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the court granting the probate or letters of administration.
Bond fide payments protected.	X. And it is hereby provided, that where a certificate shall have been granted in

in cases in which such certificate would be valid, but for a probate or letters of administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the probate or letters of administration, shall be held good against claims under the probate or letters of administration so previously granted. ACTS of 1841.

XI. And it is hereby enacted, that no probate or letters of administration shall be valid for the purpose of the recovery of debts, or for the security of debtors, after a certificate granted in respect of the same property for which such probate or letters of administration shall have been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the court granting such certificate. Probate or letters after previous grant of certificate.

XII. And it is hereby provided, that where probate or letters of administration may have been granted, in cases in which such probate or letters of administration would be valid but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate. Bond *fid*e payments protected.

XIII. And whereas under Act No. XIX. of 1841, curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to executors and administrators; it is hereby enacted, that curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, executors or administrators, where a certificate, probate or letters of administration has been actually obtained; but all persons who may have paid debts or rents to a curator authorized by a judge to receive the same, shall be indemnified, and the curator shall be responsible for the payment of the same to the person who has obtained a certificate, the executor, or administrator, as the case may be. Curators prohibited from exercising certain powers.

XIV. And it is hereby declared and enacted, that all probates and letters of administration granted by any of Her Majesty's courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the court granting the probate or letters of administrations, shall have the effect of probate and letters of administration granted in respect of the property of British subjects, but for the purpose of the recovery of debts only, and the security of debtors paying the same, except so far as is in this Act provided. Effect of probates and letters granted to representatives of Hindoos and others.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British subject. Act not to extend to property of British subjects.

ACT No. XXI. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 6th September 1841.

AN ACT for the better Prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress, or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings, and such disposal of combustible substances, as may appear to him, likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that in exercising the authority conferred by the above section, the magistrate shall, after holding such inquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned; but if such service shall be impracticable or very inconvenient, the injunction shall be notified

ACTS of 1841. by oral proclamation, and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned; and in case such injunction be not obeyed, the magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 rupees, or by imprisonment without labour for any period not exceeding one month: and if the magistrate finds it necessary to incur expense in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray the charge, delivering any surplus that may remain to the owner; and it shall be lawful for the magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition, to be presented to the magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction, or the publication of such notice, that a jury or punchayet may be appointed to try and decide the question; and the magistrate shall, on receiving such petition, pass order thereupon for the appointment of a jury or punchayet, which shall consist of not less than five persons, whereof the president, and one-half of the other members shall be nominated by the magistrate from the residents in the vicinity, and the remaining members shall be nominated by the party petitioning; and the magistrate shall suspend the further execution of the injunction or order pending such inquiry, and be guided by the decision of the said jury, which shall be according to the opinion of the majority: Provided, however, that if the petitioner shall by neglect, or in any other way prevent the appointment of such jury or punchayet, or if, from any cause, the jury so appointed shall not decide and report within a reasonable time, to be fixed in the order for their appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the magistrate; and if, from any of the above causes, no decision be made by a jury or punchayet, the magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of magistrates under the authority of this Act shall be subject to the like appeal as other orders of magistrates, according to the regulations of the respective presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's courts of justice.

ACT No. XXII. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 11th October 1841.

For amending the Law with respect to Rates for Municipal Purposes within the Town of Madras.

I. Whereas it is expedient to specify the particular purposes to which rates assessed on houses, buildings, and grounds in Madras shall be applied; and to abolish the practice which has hitherto prevailed of levying five per cent. on the annual value of all houses, buildings, and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such per centage being inadequate for the purposes to which the rates have hitherto been deemed applicable: And whereas it is expedient to make the per centage leviable by quarterly or other convenient rates on the annual value of property, to depend entirely on the expenditure necessary for accomplishing in an efficient manner the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses, and casual deficiencies or defaults: And whereas it is expedient to subject the collection and administration of the funds raised for municipal purposes in the various districts of the town to the management of the ratepayers themselves within such districts respectively, whenever they are desirous

desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose: And whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, c. 52, in regard to assessments for the town of Madras, in order for the better collection of the same, reserving all the authority of such statute in matters not inconsistent with this Act:

It is hereby enacted, that the assessments which by the Statute 33 Geo. 3, c. 52, are authorized to be made for the town of Madras, shall be applicable to the following purposes only, viz., lighting and watering the roads and streets, and cleansing and repairing the same, and the drains of the said town.

II. And it is hereby enacted, that the assessment and rates made under the authority of the said statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last section, for discharging all incidental expenses, and for making up deficiencies and defaults of every kind whatsoever: Provided always, that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor in Council of Fort St. George in Madras.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment, and collection of the rates, and the management thereof within particular divisions, being undertaken by the ratepayers themselves, the justices, at their quarter sessions, shall publish quarterly, or as required by the local government, the particulars of all sums laid out, and of all the expenses of collection and deficiencies during the preceding quarter, within three or more divisions of the town, to be indicated by the Governor in Council of Fort St. George in Madras, before this Act shall be allowed to come into operation, or such other divisions as the Governor in Council of Fort St. George in Madras may from time to time direct, so long as the assessment, collection, or management of the rates for such divisions shall remain under the jurisdiction of the justices.

IV. And it is hereby enacted, whenever two-thirds, in number and value, of the ratepayers of any of such respective divisions shall apply to the Governor in Council of Fort St. George in Madras to undertake themselves the assessment, collection, and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort St. George in Madras to authorize the same accordingly, at his discretion: Provided always, that such majority of ratepayers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for: Provided always, that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor in Council of Fort St. George in Madras upon reference to all local circumstances.

V. And it is hereby enacted, that for the better assessment and collection of rates under this Act, it shall be lawful for the Governor in Council of Fort St. George in Madras to appoint such assessor or assessors, collector or collectors, and to make such union of the offices of assessor and collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections, and in the management of the rates collected, as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any assessment, rate, or warrant of distress, under this Act, to specify the names of the owners or occupiers of houses, buildings, and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the goods and chattels of the owner of any property rated shall be seizable anywhere (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates; and all property which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure; and in the case of the seizure of the property of a tenant under

ACTS of 1841. such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court of the presidency.

IX. And it is hereby enacted, that it shall be lawful for any one justice of the peace for the town of Madras to issue a warrant of distress for the recovery of the arrears of assessment under this Act, or under the statute 33 George 3, c. 52, and every such warrant shall have the same force and effect as if it were under the hands and seals of two such justices.

ACT No. XXIII. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 11th October 1841.

AN ACT for prohibiting the Importation of Rum and Rum Shrub into the Presidency of Fort St. George in Madras.

I. It is hereby enacted, that if any person, after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the territories subject to the government of the presidency of Fort St. George in Madras, any rum or rum shrub, which is the produce of any foreign country, or of any British possession into which foreign sugar or rum can be legally imported, such rum or rum shrub shall be seized by the collector of the customs, or by any other officer authorized to seize and detain contraband goods, and shall be brought to confiscation according to the rules in force for confiscating such goods, unless the district in which such rum or rum shrub is landed, or in which an attempt has been made to land such rum or rum shrub, be a district in which the Governor in Council has authorized the importation of such rum or rum shrub; and it shall be lawful for the Governor in Council to authorize the importation of such rum and rum shrub into any district of the territories aforesaid by an order in the official gazette.

II. And it is hereby enacted, that if any owner of rum or rum shrub, the produce of the said territories, or the duly authorized agent of such owner, be desirous to obtain a certificate of origin from the collector or assistant collector of the land or customs' revenue of any district within the said territories, or from any other officer appointed by the Governor in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (A), and to the said declaration shall be appended a certificate to its verity from any government officer who may be attached to the distillery where such rum or rum shrub is declared to have been manufactured, in the form prescribed in the said Schedule (A).

III. And it is hereby enacted, that if the district be one into which the Governor in Council has not, by any order, authorized the importation of foreign sugar or rum, or of sugar or rum the growth or produce of any British possession into which foreign sugar or rum can be legally imported, then the officer before whom such a declaration, as is aforesaid, shall have been made, shall grant, under his hand and seal, to the declarant, a certificate in the form contained in the Schedule hereunto annexed, marked (B).

IV. And it is hereby enacted, that every person who intends to ship rum or rum shrub from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of customs at that place or to any other officer who may have been appointed by the governments of the respective presidencies to act on that behalf in place of the collector of customs a certificate, such as is above described, and also, in the presence of the officer

to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (C).

ACTS of 1841.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such declaration fraudulent and untrue, grant to the person who has made the last-mentioned declaration a certificate in the form contained in the Schedule hereunto annexed, marked (D).

VI. And it is hereby enacted, that the owner of rum or rum shrub intended for exportation under this Act, or the duly-authorized agent of such owner, shall not be entitled to any of the certificates described in this Act, unless such rum or rum shrub shall be the produce of a distillery worked according to law, in the European method, under license from the Board or other authority vested with the management of the revenue derived from the abkarry or tax on spirits.

VII. And it is hereby enacted, that the rum and rum shrub manufactured for exportation to the United Kingdom under this Act, at any licensed distillery, shall be manufactured pure, without admixture of spirits made from rice, grains, or any other substance or substances, not being the produce of the sugar cane, or of the date or palm tree, and shall be so declared and verified at the time of application for a certificate of origin, according to the form of Schedule (A).

VIII. And it is hereby enacted, that if any rum or rum shrub that may be brought to any custom-house for exportation under this Act, shall be found to be adulterated or mixed, contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose declaration certificate of manufacture, free from adulteration or mixture, may have been granted for the admission of such rum or rum shrub, to the privilege of exportation under this Act, as well as the party or parties who may have verified such declaration, shall be proceeded against for the false and fraudulent declaration, as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, before such court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth, shall be liable to be punished as in cases of subornation of perjury; and any officer of government subscribing an attestation to the verity of such declaration, knowing the same to be untrue, shall be subject to a like penalty as the false declarant, besides dismissal from the employment of government.

X. And it is hereby provided, that notwithstanding anything in this Act contained, no person intending to manufacture rum or rum shrub within the presidency of Madras, shall establish a distillery for such purpose without making application for a license, in manner directed by Regulation I. of 1820 of the Madras Code; and every person manufacturing rum or rum shrub within the Madras presidency, without having first obtained such license, shall be liable to the penalties provided in that Regulation.

SCHEDULE (A).

I, A. B., solemnly declare that all the rum or rum shrub hereinunder described is the produce of the licensed distillery named _____, in the district of _____, and that the said rum or rum shrub is the produce of the sugar cane, date, or palm tree, and wholly free from any admixture of spirits manufactured from rice, grains, or any other substance whatever.

(signed) A. B.

The day of 18 .

B. B.

Government Officer attached to the Distillery.

Description of the		to which the above Declaration relates.		
Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and Denomination of Packages.	Marks on Packages.

(signed)

A. B.

The day of 18 .

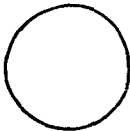
Collector's number, .

Collector's date, of 18 .

(signed)

Y. Z., Collector.

Seal of the Collector.



SCHEDULE (B).

I, C. D., collector of land revenue (or collector of custom revenue, or being an officer appointed by the Governor in Council to act in this behalf) for the district of , do hereby, in conformity with the provisions of Act , grant this certificate under my hand and seal, that the rum or rum shrub described in the declaration hereunto annexed, which is sealed with the seal of this office, numbered of 18 , dated the of 18 , and signed by , manager or owner of the licensed distillery, called , is the produce of the district of , and is declared to be free from any admixture of spirits manufactured from other substance than the sugar cane, date, or palm tree, and that the importation of foreign sugar and rum, and of sugar and rum the growth or produce of any British possessions into which foreign sugar and rum can be legally imported, is prohibited in the said district of .

(L.S.)

(signed)

C. D.

This day of 18 .

SCHEDULE (C).

I, E. F., shipper of the rum or rum shrub hereinunder described, solemnly declare, that all the rum or rum shrub hereinunder described is, to the best of my knowledge and belief, the same rum or rum shrub to which the certificate now produced by me relates.

(signed)

E. F.

* This declaration must be drawn out before the rum leaves the distillery, in order that the attestation of the government officer may be attached.

Description of to which this Declaration relates. ACTS of 1841.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and Denomination of Packages.	Name of Ship or Vessel.	Name of Master or Ship or Vessel.

The day of 18 . (signed) E. F.

SCHEDULE (D).

I, *R. W.*, collector of customs, (or being an officer appointed by the Governor in Council to act in this behalf) for the port of , certify under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the rum or rum shrub hereinunder described, a certificate under the hand and seal of *C. D.*, collector of land revenue (or collector of custom revenue, or being an officer appointed by the Governor in Council to act in this behalf) for the district of , in the territories forming part of the presidency of Fort St. George, which certificate certifies that the said rum or rum shrub is of the produce of the said district, and is declared to be free from any admixture of spirits manufactured from other substance than the sugar cane, date, or palm tree, and that the importation of foreign sugar and rum, or sugar and rum the growth or produce of any British possession into which foreign sugar and rum can be legally imported, is prohibited in the said district.

(L.S.) (signed) *R. W.*, Collector of Customs.

The day of 18 .

Description of the to which the Certificate relates.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and Denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(signed) *R. W.*, Collector of Customs.

ACT No. XXIV. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 18th October 1841.

AN ACT for the greater Uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed Residue of the Effects of Testators; Illusory Appointments; the Transfer of Estates by Persons under Disabilities, pursuant to the Direction of Courts, and the better Management of the Property of such Persons, and other like Matters.

I. It is hereby enacted, that the Statute 11 George 4 and 1 William 4, c. 40, intituled "An Act for making better Provision for the Disposal of the 344. F 3 undisposed

ACTS of 1841.

undisposed of Residues of the Effects of Testators," shall be extended to the territories of the East India Company, as far as it is applicable to the same: Provided, that this Act shall take effect from the 1st day of January next, which day is substituted for the 1st day of September mentioned in the statute.

II. And it is hereby enacted, that the Statute 11 George 4, and 1 William 4, c. 46, intituled "An Act to alter and amend the Law relating to Illusory Appointments," and the Statute 11 George 4 and 1 William 4, c. 65, intituled "An Act for consolidating and amending the Law relating to Property belonging to Infants, Females Coverts, Idiots, Lunatics and Persons of Unsound Mind," shall, from the 1st day of January next, be extended to the territories of the East India Company, as far as it is applicable to the same.

III. And it is hereby enacted, that the Statute 11 George 4 and 1 William 4, c. 60, intituled "An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases," except so much thereof as provides that it shall not extend to cases of partition, shall, from the 1st day of January next, be extended to the territories of the East India Company, as far as it is applicable to the same; and all provisions contained in the last-mentioned statute relating to the Lord Chancellor of Great Britain, intrusted as therein is mentioned, or to Courts of Chancery, or their decrees, shall be applicable to Her Majesty's Supreme Courts of the respective presidencies; and the indemnity and discharge mentioned in the last section of the same Act, shall be applicable to the East India Company, and all corporate societies established within the territories of the East India Company, and their officers and servants.

IV. And whereas it is expedient to adopt the amendments of the English law touching the delay of action, suits or other proceedings, by reason of the parol demurring, and touching conveyances made by infants under order of courts; It is hereby enacted, that sections 10 and 11 of the 11th George 4 and 1 William 4, c. 47, intituled "An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate," shall, from the 1st day of January next, be extended to the territories of the East India Company, as far as it is applicable in the same.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English law as administered by Her Majesty's Supreme Courts previous to the passing thereof, or any proceedings at law or in equity commenced before the 1st day of January next.

ACT No. XXV. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 18th October 1841.

AN Act for amending the Law concerning Imprisonment for Contempts of Decrees or Orders made by Courts of Equity.

I. It is hereby enacted, that when any person shall have been directed by any decree or order in equity of Her Majesty's Supreme Courts to execute any deed or instrument, or make a surrender or transfer, or to levy a fine, and shall have refused or neglected to execute, make or transfer, or levy the same, and shall have been committed to prison under process for such contempt, or being confined in prison for any other cause, shall have been charged with or detained under process for such contempt, and shall remain in such prison, the said person, upon motion or petition, and upon affidavit that such person has, after the best of my belief, expiated with or detained under such process, again refused to execute or make such instrument, or make such surrender or transfer, or levy such fine, shall be ordered by the master or registrar of the said courts to execute such deed or appointment, or to make such surrender or transfer for and in the name of such person, and to do all acts necessary to give effect to the said order that the attestation of the said master or registrar be a sufficient evidence of the execution of the said order.

validity and operation to such fine, and to lead or declare the uses thereof, and the execution of the said deed or other instrument; and the surrender or transfer made by the said master or registrar, and the fine levied by him, shall in all respects have the same force and validity as if the same had been executed, or made or levied by the party himself; and within 10 days after the execution or making of any such deed or other instrument, or surrender or transfer, or levying such fine, notice thereof shall be given by the adverse solicitor to the party in whose name the same is executed or made, and such party, as soon as the deed or other instrument or surrender, transfer or fine, shall be executed, made or levied, shall be considered as having cleared his contempt, except as far as regards the payment of the costs of the contempt, and shall be entitled to be discharged therefrom under any of the provisions of this Act applicable to his case, and the court shall make such order as shall be just touching the payment of the cost of or attending any such deed, surrender, instrument, transfer, or fine.

II. And it is hereby enacted, that where a person shall be committed for a contempt in not delivering to any person or persons, or depositing in court or elsewhere, as by any order in equity of Her Majesty's Supreme Courts may be directed, books, papers, or any other articles or things, the sheriff, under any writ of sequestration, shall have the same power to seize and take such books, papers, writings or other articles or things, being in the custody or power of the person against whom the sequestration issues, as they would have over his own property, and thereupon such articles or things so seized and taken, shall be dealt with by the court as shall be just; and after such seizure it shall be lawful for the court, upon the application of the prisoner, or any other person in the cause or matter, to make such order for the discharge of the prisoner, upon such terms as to the court shall seem proper.

III. And it is hereby enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the 9th George 4, c. 73, intituled "An Act to provide for the Relief of Insolvent Debtors in the East Indies, until the 1st day of March 1833," last continued by an Act passed in the 3d & 4th Victoria, c. 80, shall and may extend to all process in equity issuing from Her Majesty's Supreme Courts for any contempt of such court, for nonpayment of money, or of costs, charges or expenses in any such court; and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same; and every discharge so adjudicated as aforesaid, as to any debt or damages of any creditor of such prisoner, shall be deemed to extend also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same; and that all persons as to whose demands for any such costs, money, or expenses, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last-mentioned Acts, subject, nevertheless, to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof as is in the said last-mentioned Acts provided in respect of all claim to a dividend of such insolvent's estate and effects.

7. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall at anytime hereafter be in prison under or by virtue of any commitment or attachment in equity, directed by or issued out of Her Majesty's Supreme Courts, such court shall (upon the application of the person or persons against whom such commitment or attachment hath been made or issued), have the power, if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, which costs they, he or she shall remain in custody; and such costs shall be paid within the provisions of the last preceding section of this Act, and they, shall be discharged therefrom, and from the process of contempts, in

I. It is hereby enacted as in the last preceding section of this Act provided for in cases of contempt for nonpayment of money or costs: Provided, that this

ACTS of 1841. Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the relief of insolvent debtors.

ACT No. XXVI. of 1841.

Passed by the Right Honourable the Governor-General of India in Council
on the 18th October 1841.

AN ACT for extending, in cases governed by English Law, certain Provisions of the Statute 3 & 4 William 4, c. 42, intituled "An Act for the further Amendment of the Law and the better Advancement of Justice."

I. Whereas there is no remedy provided, in cases governed by English law, for injuries to the real estate of any person deceased, committed in his lifetime, nor for certain wrongs done by a person deceased in his lifetime to another, in respect of his property, real or personal: For remedy thereof, it is hereby enacted, that an action of trespass or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased, for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered shall be part of the personal estate of such person: and further, that an action of trespass or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased, for any wrong committed by him in his lifetime to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person.

II. And it is hereby enacted, that no wager of law shall be hereafter allowed.

III. And it is hereby enacted, that an action of debt on simple contract shall be maintainable in any of Her Majesty's Supreme Courts against any executor or administrator.

IV. And it is hereby enacted, that it shall be lawful for the defendant in all personal actions (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauching of the plaintiff's daughter or servant,) by leave of any of Her Majesty's Supreme Courts where such action is pending, or a judge of any of the said courts, to pay into court a sum of money by way of compensation or amends, in such manner and under such regulations as to the payment of costs and the form of pleading, as the said judges or such courts respectively shall by any rules or orders by them to be from time to time made, order and direct.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the judges of the said courts, to state the facts of the case, in the form of a special case, for the opinion of the court, and to agree that a judgment shall be entered for the plaintiff or defendant, by confession or of *nolle prosequi*, immediately after the decision of the case, or otherwise, as the court may think fit, and judgment shall be entered accordingly.

VI. And it is hereby enacted, that the name of every witness objected to as incompetent, on the ground that the judgment in the action would be admissible in evidence for or against him, shall at the trial be indorsed on the record or document on which the trial shall be had, together with the name of the party on whose behalf he was examined, by some officer of the court, at the request of either party, and shall be afterwards entered on the record of the judgment; and
such

such indorsement or entry shall be sufficient evidence that such witness was examined in any subsequent proceeding in which the judgment shall be offered in evidence.

ACTS of 1841.

VII. And it is hereby enacted, that every such court as aforesaid, on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass *de bonis asportatis*, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

VIII. And it is hereby enacted, in cases which would be governed by English law, that it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined; provided, that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears become due: provided also, that all and every the powers and provisions of law relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

ACT No. XXVII. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 18th October 1841.

An Act for appropriating the Unclaimed Dividends on Insolvent Estates.

I. Whereas, pursuant to the orders of the courts for the relief of insolvent debtors at the several presidencies, divers sums on account of unclaimed dividends on insolvent estates have from time to time been paid over by the assignees of such insolvent estates into the hands of the accountant-general and sub-treasurer of the East India Company at such several presidencies, with the privity of the accountant-general of the said insolvent courts, to the credit of the persons named in the schedules as creditors of such insolvents respectively: And whereas it is expedient that in the event of no claim being established to such unclaimed dividends, or any part thereof, within a reasonable time, such dividends should be distributed among such of the creditors of such insolvent estates as shall have established their claims against such estates respectively:

It is therefore enacted, that it shall be lawful for the said courts of insolvent debtors respectively, in the event of no claim being established to such dividends, or any part thereof, within six years after any dividend shall have been so paid over as aforesaid, to order the same to be repaid to such assignees, to be by them distributed among such of the creditors of such insolvent estates as shall have established their claims against such estates respectively, and to order such claims to be expunged from such schedules: Provided, that this Act shall not affect the right of any party to be paid such dividends out of any future assets, which may come to the hands of the assignees, together with any future dividends which may be declared on such insolvent estates respectively, in the event of any such claim being afterwards established.

II. And it is hereby enacted, that no such unclaimed dividend shall at any time be distributed under this Act, unless a statement of such unclaimed dividends be previously published in manner following: One year at least before making any such division as aforesaid, a statement shall be published three times in the English language, and also in one or more native languages, in the official gazettes of the respective presidencies, which statement shall contain the names and descriptions, as contained in the schedules of all parties, in respect of whose claims dividends are reserved, together with the amount of such claims respectively.

ACTS of 1841.

respectively, and shall specify whether any former dividend or dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any dividend may have accrued: Provided always, that this Act shall not authorize the distribution of any such dividend, except where no person shall at any time have substantiated any claim to the debt in respect of which such dividend may have become due.

III. And it is hereby further enacted, that in case it shall appear that any insolvent is indebted to any domestic servants for wages, it shall be lawful for such courts, at or before the time of declaring a dividend, to order the amount due for such wages, but not exceeding in the whole the amount of six months' wages, to be paid to such servants out of the estate of such insolvents.

IV. And be it enacted, that this Act shall not take effect until the 1st day of January 1843.

ACT No. XXVIII. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 15th November 1841.

AN ACT for extending Act No. XXIII. of 1839, to Camp Followers.

It is hereby enacted, that in cases in which an offender, being a soldier, is punishable under Act No. XXIII. of 1839, any offender amenable to any articles of war for the East India Company's native forces, not being a commissioned officer, shall be punishable according to that Act, as well as otherwise according to law; and Act No. II. of 1840, shall be applicable to offenders imprisoned under this Act.

ACT No. XXIX. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 13th December 1841.

AN ACT for amending such Parts of the Bengal and Madras Codes as concern the Dismissal of Suits and Appeals, for neglecting to proceed in the same.

I. It is hereby enacted, that if a plaintiff or appellant in any court shall at any time neglect to proceed in his suit or appeal for six weeks, the suit or appeal shall be dismissed; and it shall not be necessary to give the plaintiff or appellant any notice previous to dismissing his suit or appeal. The suit or appeal shall be dismissed as of course, after the expiration of six weeks without any proceeding on the part of the court, or of the defendant, or otherwise, or assignment of any reasons, unless the plaintiff or appellant, or his representative in case of his death, upon special application, shall have previously satisfied the court of the propriety of allowing further time. The court shall record upon the proceedings the reasons at large for allowing further time in all cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that in all cases in which a suit or appeal is dismissed under the preceding section, the court shall award to the defendant or respondent the costs he may have incurred in the suit or appeal; but such dismissal shall be no impediment to the institution of a new suit or appeal, where the party is not precluded by lapse of time, or period of appeal, or otherwise than by the mere circumstances of having instituted the suit or appeal dismissed, and of such dismissal; and such dismissed suit or appeal shall not prevent lapse of time, under the law of limitations, being incurred.

III. And it is hereby enacted, that Clause II., Section XXVII., Regulation XXIII. of 1814, of the Bengal Code, and Clause II., Section XXVI., Regulation VI. of

of 1816, of the Madras Code, are repealed, and no appeal shall lie against the decision passed in accordance with the provisions of the preceding clauses of this Act, other than a summary appeal on the fact of default.

ACTS of 1841.

ACT No. XXX. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th December 1841.

AN Act for repressing Obstructions to Justice in certain Courts of
the East India Company.

I. Whereas sufficient provision is not made for repressing obstructions to justice committed in the courts of the East India Company ; It is hereby enacted, that all persons whatsoever, whether generally amenable to the courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing justice in the presence of any zillah or city magistrate, joint magistrate, or other officer under a magistrate empowered to try criminal cases, or any superior or inferior court, civil or criminal, of the East India Company, shall be liable to be fined by the authority whose proceedings are obstructed, to any amount not exceeding 200 rupees, or in case such fine be not paid, to be imprisoned for any period not exceeding one month : Provided, that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the authority, civil or criminal, appointed by law to hear appeals in all other cases from the decisions of the officer by whom the fine was imposed ; and provided also, that notwithstanding anything in this Act, it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the court where the offence was committed, but not otherwise.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the local commissioners, or other officers exercising the powers of either of those authorities, the collectors, or other officers exercising the powers of collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 rupees, and in case such fine be not paid, by imprisonment in the civil gaol for a period not exceeding one month : Provided, that the orders passed in such cases shall be subject, on appeal, to the revision and control of the superior revenue authorities, as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the magistrate, on application being made to that officer, in the usual mode.

III. And it is hereby enacted, that Section XLII., the further proviso contained in Section LXXIV., Regulation XXIII., 1814 ; Clauses II. and III., Section V. and Section VI., Regulation XII. of 1825, of the Bengal Code, are repealed.

ACT No. XXXI. OF 1841.

Passed by the Right Honourable the Governor-General of India in Council on
the 20th December 1841.

AN Act for amending the Provisions of the Bengal Code touching Criminal Appeals, and the Revision of Sentences and Orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning criminal appeals and revision of sentences and orders of criminal courts required to be amended ;—

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the criminal courts in respect to appeals and revision of sentences of a lower court by a higher, are repealed.

ACTS of 1841.

II. And it is hereby enacted, that from every sentence or order in criminal trials, within the limitation prescribed by Sections VIII. and IX., Regulation IX., 1793, Section IV., Regulation XVI., 1795, and Sections VIII. and IX., Regulation VI., 1803, or in judicial proceedings other than criminal trials passed by an assistant to a magistrate, or by a sudder ameen, or by a law officer, or by any other officer under a magistrate empowered to try criminal cases, there shall be permitted one appeal to the magistrate, joint magistrate, or officer exercising the powers of magistrate, within one month from the date of such sentence or order: and from every sentence or order in criminal trials, beyond the limitation prescribed by Sections VIII. and IX., Regulation IX., 1793, Section IV., Regulation XVI., 1795, and Sections VIII. and IX., Regulation VI., 1803, or in judicial proceedings other than criminal trials passed by a magistrate, joint magistrate, assistant to a magistrate vested with special powers, or other officer empowered to try criminal cases, there shall be permitted, within one month as aforesaid, one appeal to the sessions judge; and from every sentence or order passed in criminal trials, by a sessions judge, there shall be permitted within three months, one appeal to the court of Nizamut Adawlut; and except as provided in the next Section of this Act, the sentences or orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the courts of Nizamut Adawlut to call for the records of any criminal trials of any subordinate court, and to pass upon them such orders as may seem fit.

IV. Provided however, and it is hereby enacted, that it shall not be lawful for the court of Nizamut Adawlut, in cases so called for, or for any criminal court, in appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the court below.

V. And it is hereby enacted, that it shall be at all times lawful for a sessions judge, and for a magistrate, joint magistrate, or officer exercising the powers of magistrate, to call for and examine the records of any court immediately subordinate to their respective courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate courts; but it shall not be lawful for any court, under the degree of the Nizamut Adawlut, to alter any sentence or order of any subordinate court, except upon appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a sessions judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass inadequate to the guilt of the prisoner, anything in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a superintendent of police as laid down in Act No. XXIV. of 1837, and other parts of the Bengal Code.

INDEX TO THE ACTS
OF
THE SUPREME GOVERNMENT OF INDIA,
FOR THE YEAR 1841.

	ACT.	SECTION.
A.		
Abkaree revenue in the Bengal presidency; amount of fines and period of imprisonment under Sec. 14, Act XXV. of 1840, limited; superintendent of Abkaree revenue shall pass sentences - - - - -	IX.	I.
Act XXV. of 1840, Sec. 14, modified as above - - - - -	XI.	V.
— VII. of 1841, extended to military courts of requests - - - - -	XIII.	I.
— XXV. of 1836, provisions of, explained - - - - -		
— for the relief of insolvent debtors extended to persons imprisoned for contempt of court, or for nonpayment of costs or expenses in court, <i>See</i> Contempts.		
— XXIII. of 1839, extended to camp followers - - - - -	XXVIII.	I.
— II. of 1840, made applicable to offenders imprisoned under Act XXVIII. of 1841 - - - - -	"	"
Actions, amendment of the English law touching the delay of, by reason of parol demurring - - - - -	XXIV.	IV.
— personal. <i>See</i> Personal Action.		
Administrators of estates may be proceeded against for debts on simple contract. <i>See</i> Debts.		
Ammunition and arms, exportation of, prohibited. <i>See</i> Military Stores.		
Appeals shall lie to the nearest Sudder Court from decisions of Military Court of Requests, convened beyond the East India Company's territories. <i>See</i> Military Courts of Requests.		
— against sales of estates may be made to commissioner of revenue within a limited time. <i>See</i> Lands.		
— before Courts of Sudder Dewanny and Nizamut Adawlut in Bengal, proceedings in, amended; register may prepare appealed causes for trial, execute decrees and orders of the courts, issue necessary process, and proceed thereupon - - - - -	XVII.	I.
— security for costs in proceedings before the said court unnecessary; the court may frame rules of practice for the due exercise of their civil and criminal jurisdiction, subject to the approval of the Governor-General of India in Council - - - - -	"	II.
— dismissed for default. <i>See</i> Suits.		
— in criminal cases. <i>See</i> Criminal Appeals.		
Arrears of rent due to deceased lessor; executors may recover by distraint - - - - -	XXVI.	VIII.
— may be distrained for within six months after determination of term, and during continuance of possession of tenant - - - - -	"	IX.
Assessments on houses, buildings, and grounds in Madras. <i>See</i> Municipal Law.		
Assumpsit, action of. <i>See</i> Claims.		
B.		
Benamie purchase of estates, suits brought on the ground of, to be dismissed with costs - - - - -	XII.	XXII.
Bhang, unlicensed sale of, within the presidency of Bombay. <i>See</i> Ganja.		
Bombay Court of Petty Sessions and Magistrates, powers of, extended. <i>See</i> Court of Petty Sessions and Magistrates.		
Boatmen in Bombay, Colaba, and Harbour of Bombay to wear badges, with number of boats to which they belong. <i>See</i> Conveyances.		
Boats let to hire in Bombay, Colaba, and Harbour of Bombay. <i>See</i> Conveyances.		
Buildings likely to occasion conflagration, construction of prevented. <i>See</i> Nuisances.		
— in ruinous condition, removal of. <i>See</i> Nuisances.		
C.		
Camp Followers shall be punishable under Act No. XXIII. of 1839 -	XXVIII.	I.
Carriages and carts let to hire in Bombay, Colaba, and Harbour of Bombay. <i>See</i> Conveyances.		
Certificates of manufacture, and for export of rum and rum shrub. <i>See</i> Rum.		

	ACT.	SECTION.
Certiorari, writ of, persons may have recourse to, when aggrieved by conviction of Court of Petty Sessions, or magistrates of police in Bombay	III.	XI.
Claims, Adverse, Supreme Courts, in actions of assumpsit, debt, detinue, or trover, may, on defendant's application that the right of claim belongs to a third party, make rules for calling upon such third party, and dispose of the claim in a summary way, as also the question of costs and other matters	VIII.	I.
— judgment in any such action or issue, and the summary decision of the court or judge, to be final	"	II.
— non-compliance by the third party, with any orders of the Supreme Court, shall for ever bar such third party from prosecuting his claim against the original defendant, saving his claim against the plaintiff. Court to make orders between the defendant and plaintiff as to costs or other matters	"	III.
— orders made under this Act by a single judge, not in open court, shall be liable to revision by the court	"	IV.
— a judge, on application, may refer proceedings to the court, and how shall the court proceed in such case	"	V.
— in cases of goods and chattels seized under process by the sheriff or other officer, but claimed by another party, how shall the court act for the adjustment of such claims, and for the protection of the sheriff or officer	"	VI.
— rules, orders, matters, and decisions, how to be entered of record, and for what purpose, and for securing payment of costs, what force the rules and orders shall have. In default of payment of costs, what course authorized to be adopted	"	VII.
Commission, issue of, for trial of state offences. <i>See State Offences.</i>		
Commissioners, issue of, by the court of one district to that of another for the examination of absent witnesses in civil cases. <i>See Witnesses.</i>		
Conflagration occasioned by combustible substances, how to be prevented. <i>See Nuisances.</i>		
Contempt of order in equity of Her Majesty's courts, in refusing to execute deed or instrument, or make a surrender or transfer or to levy a fine, how to be remedied	XXV.	I.
— in not delivering books, papers, or other articles, how to be remedied	"	II.
— persons imprisoned for nonpayment of money, or of costs, charges of expenses in such courts, shall be entitled to the benefit of the Act for the Relief of Insolvent Debtors	"	III.
— Supreme Courts may order discharge of persons imprisoned by reason of commitment or attachment from their contempt	"	IV.
— of Military Courts of Requests, how punishable. <i>See Military Courts of Requests.</i>		
— of Civil and Criminal Courts of the East India Company, as also of the Courts of Revenue Authorities by menaces or gestures. <i>See Obstructions to Justice.</i>		
Conveyances made by infants, under order of Supreme Courts; law relating to, amended	XXIV.	IV.
Conveyances (public) in Bombay, Colaba, and Harbour of Bombay, regulated. Hackney carriages, carts, palankeens, and other vehicles and boats let to hire, to bear a number in manner indicated. Persons letting out conveyances, not bearing the prescribed inscription, how to be punished	IV.	I.
— numbers for public conveyances, by whom to be indicated, and on whose application. Breach of any provision of this Act will be followed by what consequence	"	II.
— ticca bearers, boatmen, or persons employed in conveyances to wear a badge, with the number of the conveyance; and they in default, how to be punished	"	III.
— rates of hire to be settled and published half-yearly; persons requiring more than the prescribed fare; how to be punished, and what punishment persons refusing to pay the legal hire shall be liable to. Contract for hire under settled rate not valid or binding on owners	"	IV.
— superintendent of police to keep a register of applicants receiving numbers, and of conveyances for which numbers, also of persons for whom badges, are obtained. Abuse of number and badge, how to be punished	"	V.
— Court of Petty Sessions to appoint stands for public conveyances and palkees, and persons in charge of such conveyances found loitering off such stands for hire, how to be punished	"	VI.
— persons not prevented from letting out conveyances for a month or longer period without numbers	"	VII.
— fines imposed under this Act, how recoverable	"	VIII.
Coparcenaries in Putteedarree estates. <i>See Putteedarree Estates.</i>		

	ACT.	SECTION.
Court of Petty Sessions in Bombay, jurisdiction of extended; may summarily try cases of simple larceny or receiving stolen property of limited value	III.	I.
power of imprisonment limited, and of transportation withheld	"	II.
may commit for trial to Supreme Court persons charged with above offences	"	III.
how to enforce restoration of stolen property	"	VIII.
may inflict double punishment for repeated offence; power of corporal punishment and imprisonment limited	"	IX.
how to levy fines and penalties	"	X.
persons aggrieved by conviction of, at liberty to have recourse to writ of certiorari	"	XI.
Court of Wards, estates under the management of, not to be sold for arrears accruing during such management. <i>See Lands.</i>		
Courts Martial may punish camp followers under Act XXIII. of 1839. <i>See Offenders and Camp Followers.</i>		
of Equity, contempt of the decree or order of. <i>See Contempt.</i>		
Crime against the State. <i>See State Offences.</i>		
Criminal appeals and revision of sentences and orders of criminal courts, regulations of the Bengal Code concerning, repealed	XXXI.	I.
from sentences in criminal trials or proceedings passed by an assistant to magistrate, by a sudder ameen or a law or other officer under a magistrate, one appeal to lie to the magistrate, or joint magistrate; from sentences passed by magistrates, joint magistrates or assistants vested with special powers, there shall be one appeal to session judges, and from sentences of session judges to the Nizamut Adawlut; sentences upon such appeals to be final	"	II.
Criminal Appeals; Nizamut Adawlut, may call for records of any criminal trials of any subordinate courts, and pass orders	"	III.
Nizamut Adawlut, in cases so called for, or any criminal court in appeals preferred to it, shall not be competent to enhance punishment or punish persons acquitted by lower court	"	IV.
sessions judges, magistrates or joint magistrates, may call for and examine records of any subordinate court for satisfaction; courts under the degree of Nizamut Adawlut shall not alter sentences, except when appeals are duly preferred to them	"	V.
sessions judge may refer to the Nizamut Adawlut any trial he may consider the sentence he is empowered to pass inadequate to the guilt of the prisoner	"	VI.
Act not to interfere with the powers of the superintendent of the police, as in Act No. XXIV. of 1837, and other parts of the Bengal Code	"	VII.
Curators, appointment of, for securing property from wrongful possession by persons not having a rightful title by succession thereto. <i>See Succession.</i>		
D.		
Damages; Supreme Courts may in certain cases award, in the nature of interest	XXVI.	VII.
Debt, action of, in Supreme Courts. <i>See Claims.</i>		
Debts due by Company's native officers or soldiers or persons amenable to articles of war for native forces, how recoverable. <i>See Military Courts of Requests.</i>		
Debts, facilitating collection of; on succession to estates of deceased Hindoos and Mahomedans, and better providing for the security of parties paying such debts to the representatives of such deceased persons	XX.	
not recoverable without a certificate or a probate or letter of administration, except in cases mentioned	"	I.
manner of obtaining a certificate from the judge within whose jurisdiction the deceased's property may be	"	II.
effect of such certificate	"	III.
security to be taken from the grantee of certificate, and for what purpose	"	IV.
grant of certificates may be suspended by the Sudder Court, and that court may grant a fresh certificate, and what shall be the effect of the latter regarding payments made to the holder of the first certificate	"	V.
local extent of power given by certificates	"	VI.
the holder of a certificate may (if expressly mentioned) receive interest on government notes and dividends, and negotiate securities	"	VII.
payment under certificate void, by reason of previous certificate	"	VIII.
certificate, after previous grant of probate or letters, void	"	IX.
bond fide payments protected	"	X.
probate or letters, after previous grant of certificate, not valid for payments of debts	"	XI.
bond fide payments protected	"	XII.
curators prohibited from exercising certain powers	"	XIII.
effect of probates and letters granted by Her Majesty's courts to representatives of Hindoos and others	"	XIV.

	ACT.	SECTION.
Debts, Act not to affect property of British subjects - - - - -	XX.	XV.
— payment of, out of real estate. <i>See Statute.</i>		
Debt on simple contract, action of, against executors or administrators maintainable in Supreme Courts - - - - -	XXVI.	III.
Decrees of courts of equity, law for giving effect to. <i>See Statute.</i>		
Defendants in personal actions in Supreme Courts may pay into court money by way of compensation or amends - - - - -	"	IV.
Demurring, parol, amendment of English law touching delay of proceedings by reason of - - - - -	XXIV.	IV.
Detinue, action of. <i>See Claims.</i>		
Discharge mentioned in stat. 11 Geo. 4, and 1 Will. 4, c. 60, shall be applicable to the East India Company, and all corporate societies and their officers and servants - - - - -	"	III.
Dismissal of suits for default. <i>See Suits.</i>		
Distrain of personal property of putteedars for arrears of government revenue. <i>See Putteedarree Estates.</i>		
— executors may recover arrears of rent due to deceased lessor by Dividends, unclaimed, accruing on insolvent estates, how to be disposed of. <i>See Insolvent Estates.</i>	XXVI.	VIII.
Duty, import, on wines and spirits, how to be regulated; what percentage to be allowed for ullage on wines and spirits lodged in bonded warehouses - - - - -	XIII.	I.
E.		
Effects of testators, stat. 11 Geo. 4, and 1 Will. 4, c. 40, better providing for the disposal of the undisposed of residues of, extended to the territories of the East India Company - - - - -	XXIV.	I.
Estates, sale of, for arrears of revenue. <i>See Lands.</i>		
— of deceased persons protected from wrongful possession. <i>See Succession.</i>		
— law relating to transfer and conveyance of, vested in trustees and mortgagees. <i>See Statute.</i>		
— of deceased persons, action of trespass for injuries done to. <i>See Real Estate.</i>		
— real or personal, action of trespass against executors or administrators of a deceased person, for injuries done to by such deceased person during his lifetime. <i>See Real Estate.</i>		
Execution of orders of Her Majesty's courts in equity when refused by persons, how to be enforced. <i>See Contempt.</i>		
Executors of any lessor may distrain for arrears of rent in his lifetime. <i>See Arrears.</i>		
— may proceed for injuries done to the real estate of a deceased person during his lifetime, and may be proceeded against for wrongs committed by a deceased person. <i>See Real Estate.</i>		
— may be proceeded against for debt on simple contract. <i>See Debts.</i>		
F.		
Fares of public conveyances in Bombay, Colaba, and Harbour of Bombay. <i>See Conveyances.</i>		
Femes covert, law relating to the property of. <i>See Statute.</i>		
Fines and penalties awarded under Act III. of 1841 by Court of Petty Sessions or police magistrates in Bombay, how leviable - - - - -	III.	X.
Fires from combustible substances, how to be prevented. <i>See Nuisances.</i>		
Funds, law relating to the conveyance or transfer of, vested in trustees and mortgagees. <i>See Statute.</i>		
G.		
Ganja and Bhang, unlicensed sale of, by retail, within the presidency of Bombay, how punishable - - - - -	II.	I.
— collectors of land revenue shall grant licences - - - - -	"	II.
— form of licence. <i>See Appendix (A.) to Act II., 1841.</i>		
Gunpowder, deposit of, regulated. <i>See Military Stores.</i>		
H.		
Hire of public conveyances in Bombay, Colaba, and Harbour of Bombay. <i>See Conveyances.</i>		
I.		
Idiots, law relating to the property of. <i>See Statute.</i>		
Illusory appointment, statute 11 Geo. 4, and 1 Will. 4, c. 46, for altering and amending the law relating to, extended to the East India Company's territories - - - - -	XXIV.	II.
Indemnity mentioned in the last section of stat. 11 Geo. 4, and 1 Will. 4, c. 60, shall be applicable to East India Company, and all corporate societies and their officers and servants - - - - -	"	III.

	ACT.	SECTION.
Infants, law relating to the property of. <i>See Statute.</i>		
— making conveyances under order of courts	XXIV.	IV.
Insolvent Debtors, law for the relief of, to extend to prisoners for contempt of court, for nonpayment of money, or of costs, or charges or expenses in any such court. <i>See Contempt.</i>		
— estates, unclaimed dividends in, how to be disposed of; parties having right to such dividends not barred from payment thereof from future assets, or from future dividends	XXVII.	I.
— what course to be adopted before disposing of unclaimed dividends	"	II.
— estates, payment of wages of domestic servants of insolvent debtors, how to be made	"	III.
— Act, when to have effect	"	IV.
Interest on arrears of land revenue abolished. <i>See Lands.</i>		
Interpleader, bill of. <i>See Claims.</i>		
J.		
Jury to fix rates of rent in Putteedarree estates, according to Sections 5 to 10, Reg. IX. of 1833, in case of difference between parties. <i>See Putteedarree Estates.</i>		
Justices of the peace, persons appointed in any commission of the peace may act as, upon taking oath in any civil or criminal court of justice within the places for which such commission shall have been issued, before the presiding officer, whether a justice of the peace or not; oaths where to be deposited	XVI.	I.
— oaths taken by, before other justices of the peace prior to the passing of this Act, declared lawful	"	II.
Justice, obstruction to. <i>See Obstructions.</i>		
L.		
Lands; better providing for realization of government revenue by sale of, within the Bengal presidency	XII.	"
— certain regulations of the Bengal code relating to, rescinded. <i>See Regulations</i>	"	I.
— interest and penalty upon arrears of land revenue abolished	"	II.
— days for the sale of, by whom to be fixed for each permanently settled district, and how to be notified	"	III.
— sales of, in unsettled districts and in the Benares province, not to be held without previous order of the Sudder Board	"	IV.
— definition of an arrear	"	V.
— estates from which arrears may be due at sunset preceding the day of sale, to be sold by the collector; tender of money after sunset not to interfere with the sale	"	VI.
— no claims to abatement and set-off shall bar a sale, except as mentioned	"	VII.
— no estates to be sold for arrears of revenue or other demands without previous notification to the effect and in manner indicated	"	VIII.
— non-proprietors may deposit the amount of arrear, and under what circumstances be entitled to a temporary possession of estates, and may recover the amount of deposit with interest from the proprietors	"	IX.
— under management of Court of Wards, and those belonging to minors, but not under Court of Wards, shall not be sold for arrears accruing during the court's management or the time of the minors until they come to age; estates under attachment by revenue authorities also exempted from sale for arrears accruing during such attachment; those attached by revenue authorities, by order of court, when saleable for arrears	"	X.
— collectors and commissioners of revenue may exempt estates from sale before its commencement; receipt of commissioner's order by the collector after sale not to affect its legality	"	XI.
— sales, where to be held	"	XII.
— under what circumstances sales shall be adjourned, and how the adjournment to be notified to the commissioner and the public	"	XIII.
— sales to be made in regular order, by number, and how to be regulated	"	XIV.
— deposits to be made on purchase immediately, and to what extent; in default, the estate to be put up again and sold	"	XV.
— balance of purchase-money to be paid within 30 days; in default, the deposit to be forfeited, the estates resold, and the amount of any difference how to be levied from the defaulting purchaser	"	XVI.
— after sale of an estate, ryots and under-tenants to be forbidden to pay rents until further notice	"	XVII.
— commissioners of revenue may receive appeals against sales, and annul them if held contrary to the provision of this Act, the purchaser being compensated if the sale be occasioned by the proprietor's neglect	"	XVIII.
— local government may restore estates, and under what circumstances	"	XIX.
— sales when to be final	"	XX.

(continued)

	ACT.	SECTION.
Lands; on a sale becoming final, a certificate of title to be given to the purchaser in manner prescribed; the sale how to be proclaimed, and the purchase-money how disposed of - - - - -	XII.	XXI.
— plea of Benamsee purchase inadmissible - - - - -	"	XXII.
— annulment of sales how to be notified; deposit and purchase-money how to be refunded - - - - -	"	XXIII.
— purchasers liable for mesne revenue - - - - -	"	XXIV.
— grounds and conditions on which a civil court may reverse a sale; persons may have recourse to personal actions for damages against individuals by whom they may have been wronged - - - - -	"	XXV.
— refund of purchase-money with interest, on sales being reversed by courts of justice - - - - -	"	XXVI.
— purchasers of permanently settled estates in Bengal, Behar, Orissa, and Benares, shall acquire them free from incumbrances imposed after settlement, and enhance rents, with certain exceptions mentioned - - - - -	"	XXVII.
— purchasers of estates in other than said districts, may acquire them free from incumbrances imposed after settlement, and annul under-tenures and leases granted by former proprietors subsequently to the last settlement, save those mentioned; may enhance rents in cases of the nature mentioned - - - - -	"	XXVIII.
— local government may reserve under-tenures at sales of estates; and if such restricted sales prove detrimental to the interest of government, cancel it before they are final, and order it to be put up again for sale, under conditions mentioned - - - - -	"	XXIX.
— purchase by a proprietor or copartner of estates in their own or in the name of others; also estates sold for other demands than those accruing upon the estate sold, shall be subject to all incumbrances and conditions which existed previous to such sale - - - - -	"	XXX.
— arrears of rent due to the defaulter, how recoverable by him after sale - - - - -	"	XXXI.
— contempt to the collector at the sale, how punishable; appeal in such cases where to lie - - - - -	"	XXXII.
— default to make good a bid, how to be dealt with - - - - -	"	XXXIII.
— Act to affect what provinces - - - - -	"	XXXIV.
— operation of Act, when to commence - - - - -	"	XXXV.
Larceny, simple, cognizable by Court of Petty Sessions in Bombay. <i>See</i> Court of Petty Sessions.		
— ditto by single magistrates in Bombay. <i>See</i> Magistrates.		
Law, as administered in the Supreme Courts, amended in certain respects, by extending statute 3d & 4th Will. 4, c. 42 - - - - -	XXVI.	
Law for the relief of insolvent debtors shall extend to persons imprisoned for contempt of court. <i>See</i> Contempt.		
Letters of Administration, grant of, for the collection of debts due to estates of deceased Hindoos and Mahomedans. <i>See</i> Debts.		
Licence for the retail of Ganja and Bhang in the Bombay presidency. <i>See</i> Ganja and Bhang.		
Lumbardary, definition of. <i>See</i> Putteedarree Estates.		
Lunatics, law relating to the property of. <i>See</i> Statute.		
M.		
Madras Municipal Law amended. <i>See</i> Municipal Law.		
— Rum and Rum Shrub Act extended to the presidency of - - - - -	XXIII.	
Magistrates (single) of police in Bombay may exercise power of summary conviction in cases described in certain rules, ordinances, and regulations mentioned, provided in cases of simple larceny value of property does not exceed 10 rupees - - - - -	III.	IV.
— may exercise, in cases triable by them, the same power of summoning, apprehending, and punishing, as that conferred upon Court of Petty Sessions by enactments mentioned - - - - -	"	V.
— power of, as regards imprisonment, limited - - - - -	"	VI.
— may commit persons for trial before Court of Petty Sessions or Supreme Court - - - - -	"	VII.
— judgment how to be drawn up - - - - -	"	VIII.
— how to enforce restoration of stolen property - - - - -	"	X.
— how to levy fines and penalties - - - - -	"	XI.
— persons aggrieved by conviction of, may have recourse to writ of certiorari - - - - -	XIV.	
Markets in the islands of Bombay and Colaba, for the better regulation of Master of Supreme Courts may execute deeds or instruments, make transfer and levy fines on parties refusing to do so, when required by order of said courts in equity. <i>See</i> Contempt.		
Measures, fraudulent use of, in markets in Bombay and Colaba, how punishable. <i>See</i> Weights.		
Meat and Provision, sale of noxious, and nuisances affecting public health in markets in Bombay and Colaba, how punishable - - - - -	XIV.	I.
— found noxious on examination, to be destroyed - - - - -	XIV.	II.

	ACT.	SECTION.
Military Courts of Requests, Regulations relating to repealed. Jurisdiction of a single officer authorized to try small suits in military bazaars at cantonments in the Madras and Bombay presidencies, and trial by punchayet of suits against military persons in the Madras Presidency, to remain unaffected - - - - -	XI.	I.
actions of debt, and other personal actions to a limited amount against native officers, soldiers, and other persons amenable to the Articles of War for native forces, cognizable only before a military court; disputes regarding caste or real property not to be determined by such court - - - - -	"	II.
who to convene such, and such courts how to be composed. Provision made for the trial of suits in the event of its being impracticable to constitute a court where the cause of action may have arisen - - - - -	"	III.
shall be convened monthly, and on some day before issue of pay - - - - -	"	IV.
what is to be the form of their proceedings, and to have what powers as to summoning witnesses and examining parties. May examine absent witnesses under Act No. VII. of 1841 - - - - -	"	V.
non-attendance of witnesses, perjury and subornation of perjury, how to be tried and punished - - - - -	"	VI.
contempts to such courts, where to be tried and how punished - - - - -	"	VII.
record of proceedings to be kept, and the same to contain what particulars, and such record to whom to be submitted after signature by the members - - - - -	"	VIII.
recovery of more than 200 rupees on account of one or several demands by the same plaintiff disallowed; and the judgment of such court shall be a bar against the recovery of any demand against the defendant in any other court, if the liability occurred before instituting the suit in the military court. Payment of interest how to be regulated; contracts for debts exceeding 20 rupees, how to be drawn and executed; suits for debts incurred upwards of six years inadmissible, except as mentioned - - - - -	"	IX.
may terminate a suit for non-attendance of either party, or of witnesses; plaintiffs, if cast in such case, not competent to commence a new suit - - - - -	"	X.
commanding officer may return the proceedings for revision by the same or other military court of requests; second decree to be final. Proceedings why referable to the commander-in-chief, who may annul them without prejudice to any future suit; evidence not adduced at the first, may be received at the new trial - - - - -	"	XI.
what process to be observed before commencement of a trial - - - - -	"	XII.
decrees how to be published - - - - -	"	XIII.
execution of decrees may be either general or special, subject to alteration by the commanding officer - - - - -	"	XIV.
general execution of decrees against persons, how to be enforced, and demands how to be satisfied - - - - -	"	XV.
special ditto ditto - - - - -	"	XVI.
in places beyond the Company's territories suits may be brought for any amount; in such places, courts to be composed of European officers; and if amount of claim exceed 200 rupees, appeal shall lie to the nearest Sudder Court - - - - -	"	XVII.
operation of Act when to commence - - - - -	"	XVIII.
Military Stores, exportation of, from the East India Company's territories without licence prohibited; arms, ammunition, and stores exported without licence, declared liable to forfeiture, and persons offending contrary to this Act, how punishable - - - - -	XVIII.	I.
deposit of gunpowder exceeding 50 lbs. without licence, how punishable - - - - -	"	II.
local government may order export of, without licence - - - - -	"	III.
Minors, arrears of revenue due on estates belonging to. See Lands.		
Municipal Law for Madras amended; the particular purposes to which assessments shall be applicable specifically declared - - - - -	XXII.	I.
assessments to be sufficient for all the purposes; rates not to be increased without sanction of Governor in Council - - - - -	"	II.
justices shall publish particulars of all sums laid out, and of the expenses of collection and deficiencies during the preceding quarter - - - - -	"	III.
two-thirds in number and value of the ratepayers of any division may undertake assessment, collection, and management of the rates of such division, provided a scheme to be presented by them shall be approved by the Governor of Madras, and that the outlay of the collections is not limited to such division alone - - - - -	"	IV.
Governor in Council may appoint assessors and collectors, and make union of offices, and may prescribe rules and take securities for the due execution of this Act - - - - -	"	V.
names of owners of houses, &c. not necessary to be specified in assessment rates or warrants of distress; identity of property rated, and name of the street and number of house sufficient - - - - -	"	VI.

(continued)

	ACT.	SECTION.
Municipal Law for Madras amended; goods and chattels of owners of rated property shall be seizable anywhere for deficiency in payment of rates, as also property found upon premises for arrears due for one year; tenants how to reimburse themselves for property thus seized -	XXII.	VII.
property liable to distress when concealed in the zenana, how to be seized -	"	VIII.
any one justice of the peace for the town of Madras may issue a warrant of distress -	"	IX.
N.		
Native Soldiers, actions of debt against. <i>See</i> Military Courts of Requests.		
Nuisances affecting the public health in markets in the islands of Bombay and Colaba, how punishable -	XIV.	I.
local, of the nature mentioned, may be prevented by magistrates	XXI.	I.
magistrates how to punish persons for disobedience of order; expenses incurred by magistrates for removing noxious or dangerous articles, how to be reimbursed; magistrates may order tanks or wells to be fenced -	"	II.
parties objecting to magistrate's injunctions, may refer the question at variance to a jury, according to whose decision the magistrates shall act; magistrates how to act for neglect of such parties in the appointment of a jury, and for the jury not deciding the question within the fixed period -	"	III.
magistrate's orders shall be subject to appeal -	"	IV.
Act not applicable to local limits of Her Majesty's courts -	"	V.
O.		
Oaths of Qualification by justices of the peace. <i>See</i> Justices.		
Obstructions in thoroughfares and public places, removal of. <i>See</i> Nuisances.		
Obstructions to justice, by menaces or gestures in the Company's courts, how punishable. Appeals shall lie to the proper authorities. Persons amenable to the Supreme Courts shall be indicted as for a misdemeanor in any of the above cases sustainable before this Act, if no proceedings shall have been instituted before the court offended -	XXX.	I.
courts of revenue authorities may inflict like punishment for similar offence. Appeals may lie to superior revenue authorities, and orders to be carried into effect by the magistrate on application -	"	II.
certain regulations relating to, rescinded. <i>See</i> Regulations	"	III.
Offenders amenable to Articles of War for Company's native force, not being commissioned officers, punishable under Act XXIII. of 1839. <i>See</i> Camp Followers.		
Ownership of vessels. <i>See</i> Ships.		
P.		
Palankeens let to hire in Bombay, Colaba, and Harbour of Bombay. <i>See</i> Conveyances.		
Penalties awarded under Act III. of 1841; how to be levied by Court of Petty Sessions and single magistrate in Bombay. <i>See</i> Fines.		
Penalties upon arrears of land revenue abolished. <i>See</i> Land.		
under Act XXV. of 1840, regarding Abkaree revenue. <i>See</i> Abkaree.		
Perjury and subornation of perjury committed before Military Courts of Requests, how punishable. <i>See</i> Military Courts of Requests.		
Personal Actions, defendants in, with certain exceptions mentioned, may pay into Her Majesty's court money by way of compensation or amends -	XXVI.	IV.
Prisoners, trial of, charged with certain offences within the islands of Bombay, Colaba, and Harbour of Bombay, by Court of Petty Sessions and single magistrates in police. <i>See</i> Court of Petty Sessions and Magistrates.		
discharge of, for contempt of Supreme Courts and nonpayment of costs, &c. <i>See</i> Contempt.		
Probates, grants of, for the collection of debts, &c. <i>See</i> Debts.		
Property stolen or received, knowing it to have been stolen, restoration of, in cases tried under Act III. of 1841, how to be enforced. <i>See</i> Court of Petty Sessions and Magistrates.		
Putteedarree Estates, better providing for collection of government revenue, and defining interest conveyed by public sales for arrears in; existing regulations relating to, insufficient -	I.	I.
definition of a lumbaradar and a putteedar -	"	II.
specification of modes of duress against recognized	"	III.
putteedars -		

	ACT.	SECTION.
Putteedarree Estates; any putteedar or other members of the coparcenary may, upon conditions, take a puttee if sold to a stranger -	I.	IV.
collectors may employ methods as prescribed, under limitation and control of government or subordinate authorities -	"	V.
sale of any puttee, how to be conducted. After confirmation of sale the puttee to be absolute property of purchaser, with exception mentioned -	"	VI.
by executing what engagement members of puttees sold or transferred shall be entitled to cultivate lands. Rates of rent how to be fixed in case of disagreement -	"	VII.
what shall constitute sufficient evidence of money paid, and arrear due by a puttee, and papers containing same, where to be filed -	"	VIII.
collector to give possession to purchasers and transferees, as authorized by Clause 3, Section 23, Regulation VII. 1822 -	"	IX.
Act not to bar the right of government to hold the entire body of proprietors and the entire estate responsible for the whole jumma -	"	X.
Governor-general in Council may extend this Act to any district -	"	XI.
R.		
Real Estate; executors or administrators of deceased persons may maintain, under stat. 3 & 4 Will. 4, c. 42, an action of trespass or trespass on the case for injuries to the real estate of such deceased persons. Similar action may be brought against executors or administrators for wrong committed by the deceased persons to the real or personal property of other persons -	XXVI.	I.
Rebellion, trial of. <i>See</i> State Offences.		
Registry of Ships. <i>See</i> Ships.		
Registrar of Supreme Courts may execute deeds or instruments, make transfers or levy fines on parties refusing, when ordered to do so by the said courts in equity. <i>See</i> Contempt.		
Regulation XI. of 1822, of the Bengal Code, modified in certain respects -	I.	X.
Regulations for the examination of absent witnesses in any presidency, repealed -	VII.	I.
concerning Military Courts of Requests, repealed -	XI.	I.
of the Bengal Code relating to revenue on lands rescinded; viz.—Section 2, Regulation XIV. 1793; Section 2, Regulation III. 1794; Regulation XI. 1822 (except Sections 36 and 38), and Regulation VII. 1830 -	XII.	II.
IX. of 1819, Section 7, of the Bengal Code, repealed -	XV.	I.
XXIII. of 1814, Clause 2, Section 27, of the Bengal Code, repealed -	XXIX.	III.
VI. of 1816, Clause 2, Section 26, of the Madras Code, repealed -	"	"
XXIII. 1814, Section 42, and further proviso in Section 74 and Regulation XII. of 1825, Clauses 2 and 3, Sections 5 and 6, of the Bengal Code, repealed -	XXX.	III.
of the Bengal Code concerning powers of criminal courts respecting appeals and revision of sentences of a lower court by a higher, repealed -	XXXI.	I.
concerning process for trial of state offences modified for the sake of uniformity at the several presidencies -	V.	I.
Rents on under-tenures in estates sold for arrears of revenue, may be enhanced by purchasers, under restrictions mentioned. <i>See</i> Lands.		
arrears of, due to deceased lessor; executors may recover by distraint -	XXVI.	VIII.
Revenue, government, arrears of, in putteedarree estates. <i>See</i> Putteedarree Estates.		
on lands, law for the better collection of. <i>See</i> Lands.		
authorities, contempt of the courts of, by gesture or menaces. <i>See</i> Obstructions to Justice.		
Rule, Ordinance and Regulation I. of 1814, and certain provisions of ditto ditto, Regulation II. of 1827, of the Bombay Code, extended to single magistrate -	III.	IV.
of the Bombay Code, Article I. Title XIV., and Article III. Title XV. of R. O., and Regulation II. of 1827, repealed -	III.	IX.
Rules of practice for the courts of Sudder Dewanny and Nizamut Adawlut in Bengal, may be framed by them from time to time -	XVII.	II.
Rum and Rum Shrub, the produce of any foreign country, if imported into the presidency of Bengal, shall be confiscated except as mentioned -	VI.	I.
a declaration in the prescribed form, before the proper authority, shall entitle an owner of, or his agent, to a certificate of origin -	"	II.
officers before whom declarations shall have been made shall grant certificate in form prescribed -	"	III.

	ACT.	SECTION.
Rum and Rum Shrub, shippers of, to the United Kingdom, to produce to the customs collector the certificate of origin, and subscribe before him a declaration in directed form	VI.	IV.
the officer before whom the declaration shall have been made, shall grant a certificate under a specified form	"	V.
owners of, intended for exportation, or their agents, will not be entitled to a certificate unless the spirits be the produce of a licensed distillery	"	VI.
intended for export to United Kingdom, how to be manufactured, and what declaration and verification necessary for obtaining a certificate	"	VII.
any brought to the custom-house for export, if found adulterated, shall be confiscated, and the party on whose declaration certificate of manufacture shall have been granted, also the party verifying the same, shall be proceeded against, and in what manner	"	VIII.
persons making or causing false declarations, and officers of government attesting to their verity, how to be dealt with	"	IX.
The Rum Act, No. VI., extended to the presidency of Fort St. George, under Act No. XXIII. of 1841, with the addition of the following section :—		
Rum and Rum Shrub, distilleries for the manufacture of, in the presidency of Fort St. George, not to be established without a licence under Regulation I. of 1820, of the Madras Code, in default of which, persons how to be punished	XXIII.	X.
Ryots in putteedarree estates, certain recognized rights of, protected	I.	VI.
S.		
Sales of land for arrears of government revenue regulated. See Lands.		
Security by Calcutta residents in suits in the Mofussil Court unnecessary, with reference to Act XXIII. of 1840	XV.	I.
for costs in proceedings before courts of Sudder Dewanny and Nizamut Adawlut, in Bengal, declared unnecessary	XVII.	II.
Sentences of Criminal Courts, revision of. See Criminal Appeals.		
Sheriff may seize books and articles when refused by parties to deliver. See Contempts.		
Ships belonging to ports within the Company's territories or to native states, or their subjects, entitled to the privileges of British ships	X.	
certificate of registry at ports within the Company's territories will entitle them to the privilege of British ships; form of certificate annexed	"	I.
ports declared for the registry of; ships built at other than such ports may be allowed to make their first voyage under a certificate of the kind mentioned to any of the legalized ports, where they are intended to be registered. Owners or masters, how to be punished if ships, after arrival at the port of registry, are not registered within a reasonable time	"	II.
what authorities shall make registry and grant certificate	"	III.
a book of registry to be kept by the registering officer, and in what manner; a copy of the certificate granted to be sent to the government of the presidency, with the number of the certificate	"	IV.
no registry to be made or certificate granted until a declaration to the effect mentioned be subscribed before the registering officer by the owners	"	V.
if the required number of joint owners do not attend to subscribe the prescribed declaration, what further declaration necessary on the part of the attending owners as to the cause of the absence of the part owners	"	VI.
previous to registering or granting certificates, what course to be adopted for ascertaining such particulars of the build, description, and admeasurement, as specified in the certificate	"	VII.
rules of measurement for ascertaining the tonnage of ships	"	VIII.
ditto - - ditto - - of steam vessels	"	IX.
what alteration in steam-vessels would require new registry	"	X.
rule for ascertaining tonnage of laden ships	"	XI.
registered tonnage, how to be marked, and in what part of the ship	"	XII.
country crafts employed in coasting voyages, of 200 tons burden, may be registered and marked as prescribed	"	XIII.
registered tonnage to be repeated on every subsequent registry, except as mentioned	"	XIV.
fraudulent use of certificates will render them void, and the master or owner proved to have committed the offence, how to be punished. Under what circumstances certificates should be delivered up, and in default the masters or owners will be liable to what punishment	"	XV.

	ACT.	SECTION.
Ships; change of masters, how to be noted down, on certificates delivered to the proper officer; non-delivery of it, how punishable - - -	X.	XVI.
— owners not competent to give any name to ships other than that by which she is registered; names of ships, how to be painted; loading ships before such painting, and calling them by fictitious names, how punishable - - -	"	XVII.
— persons applying for certificate of registry to produce a certificate of building, and to make a declaration as to the accuracy of the particulars therein mentioned - - -	"	XVIII.
— loss of certificate of registry how to be provided for, whether the ship be at the time at or out of port. Certificates found after being mislaid to be delivered to proper officers of customs to be cancelled; what will be the consequence of the non-delivery and illegal use of such certificate - - -	"	XIX.
— detention of certificates of registry by persons having an interest in the ship or not, how to be provided for, and persons detaining the same how to be punished - - -	"	XX.
— alterations in a ship after registry, or in the ownership thereof, shall render it necessary for her being registered <i>de novo</i> ; on failure whereof the ship to be deemed as not duly registered, and persons using the certificate when the ship ought to have been registered <i>de novo</i> , how to be punished - - -	"	XXI.
— proof of ownership of vessels or otherwise, how to be obtained without entailing the necessity of personal attendance of the registering officers in courts or the production of original papers - - -	"	XXII.
— false declarations, falsifying documents, making use of falsified documents, and granting false certificates, how punishable - - -	"	XXIII.
— British, owned by native princes or their subjects, may continue to enjoy the privileges thereof under a pass granted by the government under restrictions mentioned. Ships built within native dominions and owned by them, may also enjoy the same privileges, under a similar pass, provided the ships be commanded by a British subject - - -	"	XXIV.
— fees for the grant of certificates or passes to be fixed according to the directions of the Governor-General in Council - - -	"	XXV.
— registered under this Act shall belong to ports at which they shall be registered. Ships built and registered before the passing of this Act exempted from the operation of its provisions - - -	"	XXVI.
— proclamation of the Governor-General in Council declaring the privileges of ships built within the territories of the East India Company - - -	"	"
Soldiers, native, actions of debts against, to an amount limited, cognizable by Military Courts of Requests. <i>See</i> Military Courts of Requests.		
Special Case, parties in any action or information in the Supreme Courts may be allowed to try a point of law by means of, without formalities - - -	XXVI.	V.
Spirits in casks, import duty on, how to be regulated. <i>See</i> Wines.		
State Offences, modification of regulations affecting process for trials of, for the sake of uniformity at the different presidencies. Ordinary tribunals may try charges of treason, rebellion, or other crime against the state - - -	V.	I.
— government of any presidency may issue a commission for the trial of, by one or more judges, with or without law officers - - -	"	II.
— courts convened under such commissions, how to try prisoners, what powers to exercise and with what exceptions, and how to be guided - - -	"	III.
— providing for the death or absence from indisposition of any of the judges or law officers of courts appointed under this Act - - -	"	IV.
— the highest criminal courts of the respective presidencies, on receipt of trials how to proceed, and with what exceptions, with reference to rules for other trials, and how long to wait before carrying their sentences into execution - - -	"	V.
— magistrates of districts where persons shall be charged with, shall give immediate notice to the government of the presidency, and act according to their order for the apprehension and trial of parties - - -	"	VI.
— Act not to affect jurisdiction of the Supreme Courts - - -	"	VII.
Statute 11 Geo. 4 and 1 Will. 4, c. 40, better providing for the disposal of the undisposed of residues of the effects of testators, extended to the East India Company's territories - - -	XXIV.	I.
— 11 Geo. 4 and 1 Will. 4, c. 46, relating to illusory appointments, and stat. 11 Geo. 4, and 1 Will. 4, c. 65, for consolidating and amending the law relating to property of infants, femes coverts, idiots, lunatics, and persons of unsound mind, extended to the East India Company's territories - - -	"	II.

	ACT.	SECTION.
Statute 11 Geo. 4 and 1 Will. 4, c. 60, respecting conveyances of estates and funds vested in trustees and mortgagees, and for enabling courts of equity to give effect to their orders in certain cases, extended to the Company's territories, and provisions relating to the Lord Chancellor of Great Britain or to Courts of Chancery, or their decrees, made applicable to Supreme Courts. The indemnity and discharge mentioned in the last section of the same Act shall be applicable to the East India Company and corporate societies, their officers and servants - - - - -	XXIV.	III.
Sections 10 and 11 of 11 Geo. 4 and 1 Will. 4, c. 47, amending the laws for facilitating the payment of debts out of real estate, extended to East India Company's territories - - - - -	"	IV.
Act to affect cases governed by English law - - - - -	"	V.
3 & 4 Will. 4, c. 42; certain provisions of, for the further amendment of the law and the better advancement of justice, extended to the Company's territories - - - - -	XXVI.	I.
33 Geo. 3, c. 52, regarding assessments for the town of Madras, modified. See Municipal Law.		
Successions to moveable and immoveable property left by deceased persons, how to be protected from wrongful possession without the institution of a regular suit; application to be made to the judge of the district by persons claiming a right to such property when possession thereof is taken by another person, or forcible possession is apprehended -	XIX.	I.
in cases of minor, disqualified or absent heirs, who to make such an application - - - - -	"	II.
the judge to make what preliminary inquiries before acting upon the application - - - - -	"	III.
the judge may summarily determine the right of possession, and may on application appoint an officer to secure the property pending the prescribed inquiries - - - - -	"	IV.
in what cases the judge may appoint curators to take charge of property, and how long their authority shall continue in force. In cases of land who to be appointed curator - - - - -	"	V.
terms for the continuance of the curators in possession of property defined; the judge to have discretionary power to allow the party in possession to continue in such possession on giving security - - - - -	"	VI.
the judge shall take security from curators and for what purposes; how they are to be remunerated; monies realized by them, how to be disposed of; delay in taking security not to prevent curators being immediately invested with power - - - - -	"	VII.
in cases of lands paying revenue to government, the judge to act according to the collector's report, with regard to the citation of the party in possession and the appointment of a curator, except in urgent cases - - - - -	"	VIII.
curator to be subject to the order of the judge in matters of litigation; express authority requisite for their collection of debts or rents - - - - -	"	IX.
judges may make an allowance to parties having a <i>prima facie</i> right to property while under the curator's custody - - - - -	"	X.
curator to file periodical accounts of his administration and detailed account on giving up possession - - - - -	"	XI.
the accounts to be open to inspection of all parties interested, who may appoint persons to keep a duplicate account; curator's neglect in the preparation of accounts, how punishable - - - - -	"	XII.
appointment of more than one curator by judges of different districts for the administration of portions of estates, how to be regulated; the Sudder Dewanny Adawlut may appoint one curator of the whole property - - - - -	"	XIII.
operation of Act restricted to application to the judge within six months of the proprietor's decease - - - - -	"	XIV.
Act not to contravene any public act of settlement, nor any direction given by the deceased proprietor for the possession of his property after death - - - - -	"	XV.
Court of Wards to act as curators if already in possession of property of a minor, on whose behalf application is made, and to have possession of the same if the minor be entitled thereto - - - - -	"	XVI.
parties whose application has been rejected, or who have been dispossessed, may bring a regular suit - - - - -	"	XVII.
decision of the judge on the summary suit, as regards possession, to be final - - - - -	"	XVIII.

	ACT.	SECTION.
Successions; local governments may appoint public curators for any district, they being nominated by the judge - - - - -	XIX.	XIX.
— Supreme Courts under what circumstances may authorize the ecclesiastical registrar, or one or more curators to take charge of property within their jurisdiction, the right of succession to which is uncertain - - - - -	”	XX.
Suits and Appeals neglected to be proceeded in for six weeks to be dismissed without previous notice or proceeding, or assigning any reason; ther time allowable on special application - - - - -	XXIX.	I.
— in cases of dismissal of, defendants and respondents to be entitled to costs, such dismissal however not to bar institution of a new suit or appeal - - - - -	”	II.
— certain Regulations repealed. See Regulations. Appeals not to lie against decisions passed under this Act, other than a summary appeal on the fact of default - - - - -	”	III.
Supreme Courts; law as administered in, regarding undisposed of residue of the effects of testators, illusory appointments, transfer of estates by persons under disabilities, and better management of the property of such persons. See Statute.		
— how to proceed in cases of adverse claim upon parties not having a right in the property claimed, but which belongs to a third party. See Claims.		
— under what circumstances may authorize the ecclesiastical registrar or curators to take charge of property within their jurisdiction, the right of succession to which is uncertain - - -	XIX.	XX.
— may act according to stat. 11 Geo. 4 and 1 Will. 4, c. 60, as regards Lord Chancellor of Great Britain or Courts of Chancery or their decrees - - - - -	XXIV.	III.
T.		
Tanks adjacent to thoroughfares, magistrates to order to be fenced. See Nuisances.		
Tax on houses, &c. in Madras. See Municipal Law.		
Ticka bearers in Bombay, Colaba, and Harbour of Bombay to wear badges, with number of the palkees to which they belong - - -	IV.	III.
Trades, injurious to public health, how to be suppressed. See Nuisances.		
Transfer ordered by Her Majesty’s Court in Equity; parties refusing to make, how to be enforced. See Contempt.		
Treason, trial of. See State Offences.		
Trespass, action of, or trespass on the case in the Supreme Court for injuries done to the estates of deceased persons during their lifetime; also for injuries done by deceased persons to the real or personal property of another during their lifetime. See Real Estate.		
— damages in actions of, in the nature of interest. See Damages.		
Trover, action of. See Claims.		
— damages in actions of, in the nature of interest. See Damages.		
W.		
Wager of Law disallowed - - - - -	XXVI.	II.
Weights and Measures, fraudulent use of in markets in the islands of Bombay and Colaba, how punishable - - - - -	XIV.	I.
— found false on examination to be destroyed; obstruction to such examination, how punishable - - - - -	”	II.
Wells adjacent to thoroughfares, magistrates to order to be fenced. See Nuisances.		
Wines and Spirits in casks, import duty on, how to be regulated; what allowance to be made for ullage when lodged in bonded warehouses -	XIII.	I.
Witnesses, absent, declaring a more uniform and improved process for examination of; regulation relating to repealed - - - - -	VII.	I.
— courts within the Company’s territories may, in cases of civil proceedings, order examination of, either within or without their respective jurisdictions - - - - -	”	II.

	ACT.	SECTION.
Witnesses; courts, in issuing orders for the examination of within their respective jurisdictions, may direct the attendance of persons at their own house or elsewhere, and the production of documents; disobedience of order to be contempt of court, and punishable as such; compensation to be made to witnesses as usual - - - - -	VII.	III.
— may be examined upon oath or affirmation - - - - -	"	IV.
— what inquiries by courts necessary before issuing orders for the examination of, within their jurisdiction, or issuing commissions to courts of other districts for that purpose; issue of commission how to be regulated, and the same how to be executed; deposition to be read in evidence with the consent of the party against whom the same may be offered, except as mentioned; proof of signature to certificates of deposition unnecessary - - - - -		V.
— Company's courts may generally direct commissions to Courts of Requests for execution within the local limits of Her Majesty's courts - - - - -	"	VI.
— commissions may be issued for execution in native states in alliance with the Company, and persons there in the service of the East India Company, required to obey the commission, and for disobedience and false testimony such persons how to be dealt with -	"	VII.
— courts receiving orders for the examination of; may punish disobedience of such orders as a contempt - - - - -	"	VIII.
— names of, in cases in the Supreme Courts, objected to on the ground that the judgment would be in evidence for and against them, may be directed to be indorsed on record - - - - -	XXVI.	VI.
— neglecting to attend or refusing to give evidence before Military Courts of Requests, how to be punished. See Military Courts of Requests.		

ACTS of the Government of India; 1842.

ACTS of 1842.

ACT No. I. of 1842.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th January 1842.

AN ACT for better regulating the Sale of Opium and other Intoxicating Drugs
within the Town of Calcutta.

It is hereby enacted, that all laws and regulations prohibiting the sale of spirituous liquors within the town of Calcutta, except under licences, and regulating the granting such licences, and for inflicting penalties for breach of the conditions thereof, or for selling spirituous liquors without having obtained such licences, shall be applicable to the sale of opium and other intoxicating drugs within the town of Calcutta.

ACT No. II. of 1842.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th March 1842.

AN ACT for providing for the Exercise of certain Powers by the Governor-General
during his Absence from the Council of India.

I. Whereas it is expedient that the Governor-General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor-General from Calcutta, it shall be lawful for the Governor-General alone to exercise all the powers which may be exercised by the Governor-General in Council, except always the power of making laws and regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor-General has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. III. of 1842.

Passed by the Honourable the President of the Council of India in Council on
the 22d of July 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for extending the Provisions of Act XXI. of 1839, to certain Petty
Thefts, not being cases of simple Larceny.

Whereas it has been found that property has been rendered insecure in many cases, by reason of the impunity with which petty thefts, not being simple larcenies, have been committed, it is hereby enacted, that Act No. XXI. of 1839, shall be extended to the following cases, where the property stolen does not exceed in value 20 rupees, that is to say, to stealing any goods or merchandize in any vessel, barge, or boat of any description whatsoever, or from any dock, wharf or quay; to stealing, by any servant, any chattel or money belonging to or in possession or power of his master; to stealing any chattel or money from the person of another.

ACTS of 1842.

ACT No. IV. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 22d July 1842, with the Assent of the Right Honourable the Governor-General of India.

For the better Management of Boats and Catamarans in the Madras Roads, and for the Amendment of certain Harbour Regulations.

I. Whereas it is expedient to make regulations for boats and catamarans employed in the Madras Roads, with a view to the better preservation of good order, the prevention of smuggling, and the general protection of life and property; and whereas certain rules now in force for the harbour of Madras require amendment;

It is hereby enacted, that from and after the 1st day of September next, no person, either as owner or servant, shall use or employ, or be employed in, any boat or catamaran to carry passengers, goods, or letters, to or from any ship or vessel lying in the Madras Roads and shore, unless such owners or owner of boats and catamarans shall have previously received a licence, and unless the boat or catamaran which such owners or owner, servants or servant shall so use, has been registered as hereinafter mentioned, and in case any person who has not received such licence shall employ or be employed in a boat or catamaran for the purposes aforesaid, or such boat or catamaran shall not have been so registered, such person shall be liable to a fine not exceeding the sum of 50 rupees on conviction before a justice of the peace, as that justice shall direct, and the boat or catamaran shall be liable to be seized by the orders of any justice of the peace and forfeited.

II. And it is hereby enacted, that upon the master attendant being satisfied that any such boat is of the proper dimensions and capacity, and that the same is seaworthy, and of a proper quality for the purposes aforesaid, and upon the application of the owner of any such boat or of any catamaran, and upon such owner delivering to him a written paper signed by such owner, specifying his name, occupation, and place of residence, and the names and places of residence of all such boatmen or other persons as shall be employed by such owner in and about the navigation and management of such boat, as particularly as may be, and also subscribing to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the Subsidiary Rules to the same Act, it shall and may be lawful, and the said master attendant is hereby required to grant to such owner a licence so to use the same, in which licence (if of a boat) shall be expressed the dimensions, the number of passengers or the quantity of goods which such boat shall be permitted to take and carry, and every such licence shall also contain a number for such boat or catamaran, and the name or names, occupation or occupations, and place or places of residence of the owner or owners thereof, and the number of the servants or crew who shall be used or employed to row or navigate the same, and their names and places of residence respectively, all of which particulars shall be entered in a book or registry for that purpose to be kept by the master attendant, and so often as the property in any such boat or catamaran, or any share of the same, shall be transferred, every owner of such boat or catamaran shall produce his licence before the said master attendant, and such new owner shall also deliver to him a written paper signed by such new owner, specifying his name, occupation, and place of residence, and the names and places of residence of all such boatmen or other persons as he shall employ or propose to employ in and about the navigation and management of such boat, as particularly as may be, and shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the Subsidiary Rules to this Act, all which said particulars shall be duly entered by the said master attendant in a new registry to be made by him of such boat or catamaran, and thereupon a new licence to use such boat or catamaran, expressing and containing the same particulars as are hereinbefore provided to be expressed in the original licence shall be granted by the said master attendant, and whenever any such owner or owners, or any of the boatmen or other persons employed to manage or navigate any such boat or catamaran, shall change his or their place of abode, notice of such change of abode shall be delivered to the said master attendant by

by the said owner, in order that such new place of abode may be entered in the registry and licence. In wilful neglect or default of which notice of change of ownership, or of the persons employed to row or navigate any such boat, or of his or their or any or either of their change of residence, for the space of six days after any such change of residence, the owner shall forfeit a sum not exceeding 50 rupees on conviction before a justice of the peace; as that justice shall direct, and for every such new registration to be made by the said master attendant as aforesaid, he shall be entitled to charge by way of fee the sum of one rupee, and for every new licence thereof the sum of one rupee.

III. And it is hereby enacted, that in order to enable the said master attendant to grant a correct licence of the registry of every such boat previous to the registry of any boat requiring such licence, the said master attendant or his deputy shall in the presence of the owner of every such boat or any other person duly appointed by such owner, cause each such boat to be surveyed and measured, and in case the same shall not in the judgment of the said master attendant or his deputy be of the proper dimensions and capacity, and seaworthy, and of the proper quality for the purposes aforesaid, no registry shall be made nor licence be granted, until every such defect in the admeasurement, seaworthiness and quality of the said boat shall have been rectified by the owner thereof, and for every such survey and admeasurement a fee of three rupees shall be paid by the owner of any such boat to the said master attendant.

IV. And it is hereby enacted, that the said owner or owners of every such boat shall forthwith paint in black English figures, not less than six inches in length upon a white ground, such white ground having a margin of at least three inches beyond the outermost part of the figures, on a conspicuous part of the bow on one side, and of the quarter on the other, and in a legible and distinct manner from left to right, the number in such registry and licence mentioned; and if any person shall fraudulently paint or counterfeit, or cause or permit to be painted or counterfeited upon any boat, any figure not having been duly registered, every such person shall forfeit the sum of 100 rupees, and every such boat shall also be forfeited.

V. And for the better prevention of fraud or omission in the painting the figures hereinbefore provided to be painted on all boats let out for hire, as well as for the better distinguishing and identifying such boats and catamarans as have been registered and licensed, it is hereby enacted, that so often as any registry is made, the said master attendant shall cause the number in the same to be cut or branded in the most common native characters, in some part or parts of every such boat and catamaran, and if the owner or owners of any such boat shall neglect or refuse to keep painted, cut or branded, any figure hereinbefore required to be painted, cut or branded on any such boat or catamaran, in a fair and legible condition, or if he shall paint, cut or brand the same in a different manner, or on a different part of such boat than is hereinbefore provided, or shall wilfully erase, obliterate or in any way hide or conceal the same, or if the owner of any such boat or catamaran shall knowingly permit any such act to be done, he shall forfeit a sum not exceeding 100 rupees on conviction before a justice of the peace, as that justice shall direct, and if any person not being such owner shall be guilty of or shall assist in any such incorrect painting, cutting, branding, erasure or concealment, he shall forfeit one moiety of the penalty in this article imposed.

VI. And it is hereby enacted, that every boat of the description and dimensions now in use (that is to say), not more than 33 feet in length, nine feet in breadth, and four feet four inches in depth, nor less than 30 feet in length, six feet in breadth, and three feet six inches in depth, which shall be so licensed and registered as aforesaid, shall be manned with not less than two steersmen, eight rowers, and one baler; and shall, if required, be obliged to carry at one time any number of passengers not exceeding 15, or any quantities of goods not exceeding the quantity mentioned in the Schedule A. hereunder written: and in case boats of different construction and dimensions shall be licensed and registered, they shall be manned in such manner and shall be obliged to carry such passengers or such a quantity of goods as the master attendant shall direct and shall express in the licence, under the penalty of 50 rupees.

VII. And it is hereby enacted, that if any boat be loaded with passengers or cargo beyond the number or quantity specified in the licence granted to such

ACTS of 1842.

boat, the tindal of such boat shall be liable to a fine not exceeding five rupees, on conviction before a justice of the peace, for every such surplus passenger and for every candy weight of such cargo beyond such specified quantity, and the owner of such boat shall be liable to a fine of 50 rupees, on conviction before a justice of the peace, for every such surplus passenger or surplus candy weight of cargo. And every person other than the tindal or owner who shall be guilty, either as principal or accessory, of the like offence of overloading any boat, shall be liable to a fine of 10 rupees, on conviction before a justice of the peace, for every such surplus passenger or surplus candy weight of cargo.

VIII. And it hereby enacted, that no boat or catamaran so licensed shall leave the shore before gun-fire in the morning, nor after five o'clock in the afternoon, nor shall remain alongside any ship or vessel after six o'clock in the afternoon, without leave from the master attendant or his deputy, who shall be at liberty to prevent any boat or catamaran from putting off to or from the shore when in his judgment the doing so would be attended with danger; on which occasions the master attendant shall hoist at the mast-head of his flag-staff the following flags, viz.: the white pendent with a red ball under a red and white chequered flag; and in case any person offend against this clause he shall be liable, on conviction before a justice of the peace, to forfeit and pay a sum not greater than 30 rupees.

IX. And it is hereby enacted, that on the 15th day of December in every year the owners of boats and catamarans which have been so licensed and registered as aforesaid, shall expose them and their crews on the beach for the inspection of the Marine Board, and the master attendant shall once in every month or oftener, and as often as he may think necessary, require the owner of the said boats and catamarans, or any one or more of them, to expose them and their crews on the beach for his inspection; and in case any owner shall neglect or refuse so to expose a boat or catamaran belonging to him, and in case, on any boat or catamaran being so exposed, the master attendant shall deem it unseaworthy, or that its crew is in an inefficient state, he shall suspend the licence granted in respect thereof until the said boat or catamaran shall have been repaired and the crew rendered efficient to the satisfaction of the master attendant; and it is hereby declared, that in case the owner of any such boat or catamaran shall refuse or neglect to make such necessary repairs to the same, and to render efficient the crew thereof, within one month after such inspection, the licence shall altogether be withdrawn from such boat.

X. And it is hereby enacted, that grain shall be landed within the space between the north angle of the Custom-house and Clive's Battery, and all other goods, excepting timber, shall be landed within the space between the north angle of the Custom-house and the south angle of Bentinck's Buildings, and that timber may be landed anywhere if the permission of the collector of sea customs be first obtained; and if such permission shall not have been obtained, it shall be landed within the space between the north angle of the Custom-house and Clive's Battery; and in case any person shall land or be engaged in attempting to land any goods otherwise than as before directed, every such person shall be liable to pay, on conviction before a justice of the peace, a sum not greater than 100 rupees, as that justice of the peace shall determine.

XI. And it is hereby enacted, that all vessels other than those commonly known as native vessels or donies shall anchor in the South Roads, the north angle of the fort being one point, and the master attendant's flag-staff the other; and all vessels commonly known as native vessels or donies shall anchor in the North Roads, the north angle of the Custom-house being the southern, and the village of Royapooram the northern point; and the owner of any licensed boat or catamaran, on holding (except at the request of the master attendant) communication with a vessel which shall be anchored otherwise than as aforesaid, shall on conviction thereof before a justice of the peace, be liable to pay a sum not greater than 10 rupees, as such justice of the peace shall direct.

XII. And it hereby enacted, that the owner or owners of all boats and catamarans kept for the purpose of being commonly let out for hire, shall when the same shall not be engaged in doing actual service for hire, by themselves or their agents give daily attendance at the boat-office from five a. m. to six p. m., so as to be ready to provide upon immediate notice their boats or catamarans for service or hire, and that for any neglect in so giving attendance (unless occasioned by

by sufficient excuse) such owners shall be punishable by a justice of the peace, on conviction, by a fine not exceeding 10 rupees. ACTS of 1842.

XIII. And it is hereby enacted, that if any owner of a boat or catamaran so licensed, or any person deputed by him, shall demand a rate of hire beyond that which is sanctioned by Schedule B., under the several circumstances and restrictions therein provided for, he shall, on conviction before a justice of the peace, forfeit the sum of 10 rupees, together with the amount of such hire.

XIV. And it is hereby enacted, that any owner of a boat or catamaran so licensed, "and kept or employed for the purpose of being let out commonly on hire," or any person deputed by him, refusing to let on hire such boat or catamaran, for public or private use, and within the hours and in the terms specified in the Schedule B. to this Act, without assigning such cause for his refusal as shall be deemed satisfactory or reasonable to the justice of the peace trying such offence will, on conviction before a justice of the peace, be liable to the penalty of 20 rupees, and for a second refusal to a fine of 100 rupees, and to the forfeit of his licence.

XV. And it hereby enacted, that if any boatman or boatmen serving in any boat or catamaran kept and employed for the purpose of being let out commonly on hire to carry passengers, cargo, or letters, shall by wilful neglect or desertion of his duty, cause any impediment to the service of any such boat or catamaran, he or they shall for the first offence be liable to receive corporal punishment not exceeding three dozen lashes, on conviction before a justice of the peace, and if life shall have been thereby endangered, or in case of a second offence, he or they shall be committed to hard labour for a term not exceeding six months.

XVI. And it is hereby enacted, that the owners of boats or catamarans, which are kept or employed for the purpose of being commonly let out for hire, shall keep and provide for service during the night, that is to say, from six o'clock in the afternoon until six o'clock in the morning, at least ten boats and four catamarans with their respective crews, according to a course of rotation to be specified by the master attendant on the first day of every current month, and to be notified in writing on some conspicuous part of his office, as regards the particular nights for the attendance of particular boats and catamarans; and every owner of any such boat or catamaran who shall fail to provide his boat or catamaran, without assigning such excuse for such failure as shall be deemed satisfactory or reasonable to the justice of the peace trying such offence shall, if the owner of a boat, on conviction before a justice of the peace, be liable to a penalty of 20 rupees, and for a second offence to the penalty of 50 rupees, and if the owner of a catamaran, be liable to the penalty of five rupees, and for a second offence to the penalty of 10 rupees.

XVII. And it hereby enacted, that every boat kept and employed for the purpose of being commonly let out for hire as aforesaid, shall be kept well and completely dunnaged and seaworthy, and in default thereof the owner or owners of every such boat or boats shall, upon conviction before a justice of the peace, forfeit for each instance of neglect the sum of five rupees; and if any goods or cargo shall have received injury or damage thereby, the sum of 20 rupees besides, and over and above any legal liability, to compensate such loss; and if life shall have been endangered thereby, a sum not exceeding 100 rupees, and also be liable, at the discretion of such justice, to have his licence for such boat revoked.

XVIII. And it is hereby enacted, that if any communication by boat or catamaran is held with any ship or vessel in the offing, or beyond the limits of the anchorage, before the master attendant's report boat or catamaran has boarded such ship or vessel, the owner of such boat or catamaran shall forfeit the sum of 20 rupees; and if any attempt is made to hold such a communication without the permission of the master attendant, he will incur a penalty of 10 rupees.

XIX. And it is hereby enacted, that it shall be lawful for the master attendant or his deputy, the collector of sea customs or his deputy, and all sitting magistrates and qualified justices of the peace, or such person or persons as he or they shall by warrant under their hands duly authorize for that purpose, from time to time, to go on board any boat or catamaran, and to search all parts of such boat or catamaran for prohibited or uncustomed or smuggled goods, and also to examine into all packages, boxes, or baggage of whatever description, within or upon such boat or catamaran or landed therefrom, provided such master attendant or his deputy, or other person to be appointed as aforesaid, shall have good reason to suppose that any such package, box, or baggage contains any

ACTS of 1842.

smuggled or prohibited goods ; and they shall likewise have power and authority to search any person or persons on board any such boat or catamaran, or who may have landed therefrom, provided such master attendant or his deputy, or other person appointed as aforesaid, shall have good reason to suppose that such person or persons hath or have any uncustomed, smuggled, or prohibited goods secreted about his or her persons ; provided always that no female shall be searched by any other person than a female, duly authorized for that purpose by the collector of customs. And it is hereby further enacted, that if any person shall resist or impede any or either of the said parties hereinbefore authorized to go on board, examine, and search as hereinbefore provided in the execution of their duty, or in any manner prevent the performance of such duty, every such person shall be liable, according to the circumstances of the case, and the quality of the party offending, upon conviction before a justice of the peace, to a fine not exceeding 100 rupees, or to imprisonment with or without hard labour on the roads or otherwise, for a period not exceeding six months ; and in case any such offence be committed by any owner of a boat or catamaran, such owner shall likewise forfeit his licence.

XX. And it is hereby enacted, that the Sections III., IV., VII., VIII., IX., and X. of the Rule, Ordinance, and Regulation passed by the Governor in Council of Fort St. George, commonly called the Marine Police Regulation, be hereby cancelled and repealed.

XXI. And it is hereby enacted, that the jurisdiction and authority ordained to be exercised by the master attendant and deputy master attendant for the time being of the port of Madras, jointly or severally, as justices of the peace, by virtue of the hereinbefore recited Regulation, shall and may be exercised (as regards such parts of the said Regulations not hereinbefore repealed) by any justices of the peace in and for the presidency of Madras in like manner jointly or severally.

XXII. And it hereby further enacted, that every person whatever who either as owner or servant, shall use or employ, or be employed in any boat or catamaran in the Madras roads shall be amenable to Sections XI., XII., and XIII. of the above-recited Regulation.

XXIII. And it is hereby further enacted, that Section XXXVI. of the above-recited Regulation shall hereafter apply to the fixing up at the offices therein mentioned copies of the same, omitting all other notice of those sections thereof which are by this Act repealed, save that the same are so repealed.

XXIV. And it hereby enacted, that all pecuniary forfeitures and penalties had or incurred under or against this Act, shall and may be heard and determined by any justice of the peace of the town of Madras, who is hereby empowered and authorized to hear and determine the same, and to issue his summons or warrant for bringing the party or parties complained of before him the said justice ; and upon his, her, or their appearance or contempt and default, to hear the parties, examine witnesses, and to give judgment or sentence according as in and by this Act is directed ; and it is hereby further declared, that it shall be lawful for any justice who may have adjudged any pecuniary penalty under the provisions of this Act, to award and issue out a warrant or warrants under his or their hands and seals, for the paying of such forfeitures and penalties as may be imposed or adjudged, upon the goods and chattels of the offender, and cause sale to be made of the same if they shall not be redeemed within six days, rendering to the party the overplus, if any, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof ; and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for the justice as last aforesaid, and he is hereby authorized and required by warrant or warrants, under his hand and seal, to cause such offender or offenders to be committed to prison, there to remain for any time not exceeding six months, unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied ; and that all the said forfeitures when paid and levied shall, after deducting all necessary charges, and also a compensation, not exceeding one-third, to be settled and ascertained by the said justice before whom the conviction may take place, and to be given to the officer or other persons giving information and prosecuting, to be applied and disposed of according to the directions of the Honourable the Governor in Council.

ACT No. IV. of 1842.

SCHEDULE (A.)

SCHEDULE OF ARTICLES COMPOSING A BOAT LOAD.

I. Goods taken by Weight or Measurement.

(These Articles are computed at Two Tons to a Boat Load.)

ARTICLES.	Packages.	Fair Weather.	Foul Weather or High Surf.	REMARKS.
Benjamin - - -	boxes -	25	20	small.
	bundles -	60		
	chests -	12	- -	half.
Biscuits - - -	bags -	30		
Boat oars - - -	number -	100		
Boots and shoes - -	cases -	8	6	small.
		6	4	large.
Butts - - -	number -	3	2	
		8	6	large.
Broad cloth - - -	bales -	10	8	middling.
		12	10	small.
Button - - -	cases -	6	4	
Beef - - -	tierces -	8		
	hogsheads -	6		
Carriage - - -	number -	1		
		8	- -	of 300 lbs.
Cotton, screwed - -	bales -	10	- -	of 250 lbs.
		12	- -	of 150 lbs.
Ditto, loose - - -	bags -	16		
Codjoor nuts - - -	bundles -	10	8	
	number -	1,000	- -	with husk.
		1,500	- -	without ditto.
Cocoa nuts - - -	bags -	25	- -	small.
		20	- -	large.
Chests - - -	number -	4	3	12 dozen.
Ditto, half - - -	- - -	8	6	6 ditto.
Canvas - - -	bales -	4	3	20 bolts each.
		8	6	3 corges each.
Clothing - - -	bales -	10	8	2 - ditto.
		12	10	1 - ditto.
Cheacoy - - -	bundles -	20	15	
Chillies - - -	ditto -	20	15	
		6	- -	large.
Choya root - - -	ditto -	8	- -	small.
Cochineal - - -	boxes -	12	10	
Cinnamon - - -	bags -	35	30	
Camphire - - -	boxes -	12		
Cloves - - -	bags -	40	- -	80 lbs. weight each bag.
Curry-stuff seeds -	- - -	25	20	Ramiapatam bags.
Dates - - -	bags -	35	25	when from Bombay.
Ditto - - -	tons -	2	1 ½	when the packages are various.
Drugs - - -	bags -	12	10	
Eating leaves - -	bundles -	40		
Flour - - -	casks -	8	6	
Grain:				
Ramiapatam - -	bags -	20	- -	shipping.
		25	- -	landing.
Bengal - - -	bags -	25	- -	shipping.
		30	25	landing.
Glass ware - - -	chests -	6	- -	whole.
		12	- -	half.
Gunny - - -	bundles -	6	- -	large.
		12	- -	small.
Gunpowder - - -	barrels -	25	- -	100 lbs. each.
		30	- -	60 - ditto.
Gallingale - - -	bundles -	25		
Gin - - -	cases -	30		
Gun carriage - - -	number -	1	- -	- - complete with wheels, from
Ginger, dry - - -	bags -	30		3 to 24-pounders.
Hay - - -	bales -	8	6	
Horns - - -	number -	1,000		
Hogsheads - - -	number -	6	4	
Hams - - -	number -	120		

ACTS OF THE

ARTICLES.	Packages.	Fair Weather.	Foul Weather or High Surf.	REMARKS.
Indigo - - - -	chests - {	8 12	- -	whole. half.
Leaguers - - - -	number -	2	-	
Nankeen - - - -	boxes -	20	-	
Nuts - - - -	bags -	30	-	
Pickle, Europe	boxes -	30	20	
Palanquin - - - -	number -	1	-	
Piece goods - - - -	bales - {	6 8	- -	large 3 and } bales for China. small 4
Pumpkins - - - -	number - {	100 250	- -	large. small.
Puncheons - - - -	number -	4	3	
Pipes - - - -	number -	3	2	
Ditto, half - - - -	number -	6	4	
Pork - - - -	tierces -	8	-	
Pepper - - - -	casks -	8	6	
	bags -	35	25	
Rafts:				
Artees - - - -	number - {	12 20	10	large. small.
Bindoo plank - - - -	number -	25	-	
Chittagong ditto - - - -	number -	25	20	
		1	-	large } shipping.
Duggies - - - -	number - {	2 8	- -	small } landing.
		12	-	large
Mango ditto - - - -	number - {	20 10	- -	small } landing.
		20	-	landing.
Shinbeams - - - -	number - {	8	- -	shipping.
Spars - - - -	number - {	1 4	- -	large. small.
Rattans - - - -	number - {	250 500	- -	100 in a bundle. 50 - ditto.
Reapers - - - -	number -	60	-	10 - ditto.
Saddlery - - - -	cases -	8	6	
Sharks' fins - - - -	bundles -	3	-	
Sheathing boards - - - -	number - {	100 150	- -	double. single.
Soap nut - - - -	bags -	30	-	
Spices of all sorts - - - -	bags - {	10 20	- -	large. small.
Stationery - - - -	cases -	6	4	
Staves - - - -	packs -	20	-	
Stick lac - - - -	bags -	30	-	
	bundles -	40	-	
Sugar - - - -	casks -	4	-	
Ditto - - - -	lumps - {	50 70	- -	large. small.
Ditto of Batavia - - - -	canisters -	6	-	
Ditto of Bengal - - - -	bags -	20	-	
Ditto - ditto - - - -	chests -	6	-	
Ditto, China - - - -	small packgs.	40	-	
Sugar candy - - - -	tubs -	25	-	
Ditto - ditto - - - -	half ditto -	50	-	
Tents - - - -	sets -	6	-	
Tamarind - - - -	bags -	15	-	private two-poled tents.
Ditto, Bengal - - - -	bags -	20	-	
Thread - - - -	bundles -	7	6	
Tobacco - - - -	bags -	30	-	

II. Dead Weight.—(Computed at One Ton and a Half per Boat Load.)

Anchors - - - -	number -	1	-	of 12 cwt. small anchors and grapnels in like proportion.
Arms - - - -	chests -	12	-	12 muskets each.
Blackwood - - - -	candles - {	6 7	- -	shipping. landing.
	chests -	6	4	
Copper sheet - - - -	cases -	4	3	
	slabs -	100	80	
Guns, iron or brass - - - -	number - {	3 2 1	- -	large. 3 pounders. 4 or 6 ditto. 9 ditto.

ARTICLES.	Packages.	Fair Weather.	Foul Weather or High Surf.	REMARKS.
Japan - - - -	chests -	10	8	
Metals of all kinds - - -	tons - -	1½		
Nails - - - -	tons - -	1½		
Red lead - - - -	tons - -	1½		
Red wood - - - -	tons - -	1½		
Sandal wood - - - -	tons - -	1½		
Salt - - - -	bags - -	25		
Saltpetre - - - -	bags - -	25		
		20	- -	13 inches.
Shells - - - -	number -	100	- -	10 or 8 inches.
		250	- -	5½ inches.
		300	- -	4½ inches.
		150	- -	24 pounders.
Shot - - - -	number -	200	- -	18 ditto.
		300	- -	12 ditto.
		400	- -	9 ditto.
		500	- -	6 ditto.
Treasure - - - -	boxes -	6	4	

III. Miscellaneous Articles.

Bullocks - - - -	number -	2		
Coals - - - -	tons - -	2	1½	
Cow and Calf - - - -	number -	1		
Firewood :				
Ramiapatam - - - -	500 -	- -	- -	large.
Candarungum - - - -	1,000 -	- -	- -	small.
Checurucottah - - - -	600.			
Alumbarary - - - -	2,000.			
Kistnapatam - - - -	2,000.			
Alepanum - - - -	1,000.			
Cuddalore - - - -	150.			
Achedandoo - - - -	1,500.			
Rangoon - - - -	2,000.			
Ghee and oil - - - -	dubbers -	25		
Horse - - - -	number -	1		
Linseed-oil - - - -	jars - -	20		
Loose oakum - - - -	whatever quantity can be stowed conveniently.			
Pecul weights of all kinds	peculs -	30	25	
Pigs - - - -	number -	15		
Ponies - - - -	number -	2		
Poultry - - - -	baskets, any quantity that can be stowed conveniently.			
Sand, ballast - - - -	tons - -	2	1½	
Seed cocoa-nut - - - -	number -	200		
Sheep - - - -	number -	30		
Tar - - - -	barrels -	8	6	
Tarpaulin - - - -	number -	30		

The Number of Passengers composing a Boat Load :

Europeans - - - -	- - - -	12 persons.
Natives - - - -	- - - -	15 -

N. B.—Two children are to be considered equal to one grown-up person.

SCHEDULE (B.)

MAXIMUM RATE OF BOAT AND CATAMARAN HIRE.

Accommodation Boats.							Rs.	a.	p.
Ordinary trip, south or north road - - - -	-	-	-	-	-	per trip	3	8	-
Extra hire in and beyond nine fathoms - - - -	-	-	-	-	-	ditto	1	8	-
Foul weather trip - - - -	-	-	-	-	-	ditto	6	-	-
Trans-shipment - - - -	-	-	-	-	-	ditto	1	-	-

ACTS OF THE

Common Boats.

	South Road.			North Road.		
	Rs.	a.	p.	Rs.	a.	p.
Ordinary trip - - - - -	1	8	-	-	15	-
Ballast ditto - - - - -	1	10	-	1	-	-
Ballast in and beyond nine fathoms - - - - -	2	10	-	2	-	-
Return trip - - - - -	-	12	6	-	8	-
Return trip in and beyond nine fathoms - - - - -	1	8	-	-	15	-
Water ordinary trip - - - - -	3	8	-	3	-	-
Water in and beyond nine fathoms - - - - -	4	3	-	3	2	6
Trip in and beyond nine fathoms - - - - -	2	12	-	2	2	-
Trans-shipment - - - - -	-	15	-	-	15	-
Trans-shipment in and beyond nine fathoms - - - - -	1	14	3	1	14	3
Foul in and beyond nine fathoms - - - - -	4	3	-	3	2	6

Small Catamaran.

	Rs.	a.	p.
Ordinary trip, south or north road - - - - -	-	5	-
Foul weather, or in or beyond nine fathoms - - - - -	-	10	-
Catamaran for rafting timber - - - - -	1	-	-

Large Catamaran Hire.

	Rs.	a.	p.
For landing or shipping an Europe cable of 13 to 16 inches - - - - -	18	12	-
For ditto of 17 to 22 inches - - - - -	28	8	-
For shipping chain cables - - - - -	18	12	-
For ditto an anchor from 14 to 29 cwt. - - - - -	18	12	-
For ditto an anchor from 30 to 50 cwt. - - - - -	28	12	-
For making a rope fast to an anchor under 12 cwt. - - - - -	10	-	-
For ditto - ditto above 12 and under 20 cwt. - - - - -	20	-	-
For ditto - ditto above 20 cwt. - - - - -	35	-	-

Tarpaulin.

Per trip - - - - -	-	4	-
--------------------	---	---	---

Water Casks.

Per trip (four casks) - - - - -	-	9	5
---------------------------------	---	---	---

Extra Hire in addition to the Regulated Charges for Boats and Catamarans.

	Accommoda- tion Boat.	Common Boat.	Catamaran.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
South road trips between 6 and 8 p. m. - - - - -	1 12 -	- 12 -	- 2 6
North road trips ditto - ditto - - - - -	1 12 -	- 7 6	- 2 6
South road trips between 8 p. m. and 5 a. m. - - - - -	3 8 -	1 8 -	- 5 -
North road trips ditto - ditto - - - - -	3 8 -	- 15 -	- 5 -
Boats or catamarans detained alongside for every three hours during the day or night - - - - -	3 8 -	1 8 -	- 5 -
Boats or catamarans employed between the Commis- sariat Granary and Parry & Co's office - - - - -	- 14 -	- 6 -	- 1 3
between Parry & Co.'s and the Tunnel - - - - -	1 12 -	- 12 -	- 2 6
between the Tunnel and the Sea Gate - - - - -	2 5 4	1 - -	- 3 4
Arms between the Sea Gate and the Marine Villa - - - - -	4 10 8	2 - -	- 6 8
between Marine Villa and Adyar - - - - -	7 - -	3 - -	- 10 -
Blackwood of Royapooram - - - - -	1 12 -	- 9 6	- 2 6
for and Ennore - - - - -	10 8 -	3 9 -	- 15 -
Copper sheemits of the anchorage - - - - -	1 8 -	1 8 -	- 5 -
on Sundays - - - - -	1 8 -	- 9 -	- 2 -
Guns, iron or brass - - - - -			

period within which boats and catamarans shall be let on hire, shall be
st.

ACT No. V. of 1842.

ACTS of 1842.

Passed by the Honourable the President of the Council of India in Council, on the 29th of July 1842, with the Assent of the Right Honourable the Governor-General of India.

AN Act concerning Payment on account of Licences for the Sale of Spirits in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whenever a licence to retail spirituous liquors in the islands of Bombay and Colaba shall be granted under the provisions of Act XVIII. of 1840, the officers granting such licences shall be authorized to demand such fee, tax, or duty in consideration of the privilege granted as may from time to time be fixed by such officers, under the sanction of the Governor of Bombay in Council; and such fee, tax, or duty may be made payable in advance, or at such period as may be settled under such authority as aforesaid.

II. And it is hereby enacted, that it shall be lawful for the officers granting such licences to withhold or recal the same in case the fee, tax, or duty aforesaid be not duly paid according to the conditions upon which any such licence shall be granted; and any person vending spirituous liquors within the islands aforesaid while such licence shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending spirituous liquors without a licence.

ACT No. VI. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 5th of August 1842, with the Assent of the Right Honourable the Governor-General of India.

AN Act for annexing to the British Territory certain Villages belonging to the late Nepanee Jagheer, and Acquisitions by exchange from the Sattara State, and for bringing under the Regulations an Inam Village of Purgunna Yelloor.

Whereas the villages lately composing the Nepanee Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara territories, to exchange certain villages for mutual convenience, and whereas the village of Deshoor, in Purgunna Yelloor, though held in Inam under the British Government, has not yet been brought under the Regulations;

It is hereby enacted, that from the time of passing this Act, so much of Regulation XXIX. of 1827, and Regulation VII. of 1830, as relates to the under-mentioned seven villages; viz.

Jaleehall, Purgunna Honwar.	Oopuldinee, Purgunna Mohumudapoor.
Teengnee Beedree, Purgunna Ghota.	Allasundeh Prant Kagul.
Hongunhullee } Purgunna Moolwad.	Boblad, Purgunna Burdole.
Karjol - - }	

And so much of Act VIII. of 1839, as relates to the undermentioned four villages:

Kusba Ashta, Kuryat Ashta, and	} Prant Meeruj,
Sumdolee, Kuryat Sanglee - - }	
Moje Koondul - - - - - }	} Turuf Valwe Prant Punjala,
and Moje Ponudee - - - - }	

shall be rescinded; and that the following villages shall be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Nineteen Villages of Purgunna Neergoondie.

- | | |
|-----------------------|------------------------|
| 1. Kusba Neergoondie. | 4. Moje Abbihal. |
| 2. Moje Hebbal. | 5. Ditto Yelgoor. |
| 3. Ditto Keersal. | 6. Ditto Kasinkoontee. |
| 344. | 7. Moje |

ACTS of 1842.

- | | |
|----------------------|-------------------------|
| 7. Moje Boodihal. | 14. Moje Aldinnee. |
| 8. Ditto Musoottee. | 15. Ditto Gonal. |
| 9. Ditto Mooddapoor. | 16. Ditto Katapoor. |
| 10. Ditto Eettgee. | 17. Ditto Dewlapoor. |
| 11. Ditto Rajnal. | 18. Ditto Murikuttee. |
| 12. Ditto Bidnal. | 19. Ditto Neerulbhavée. |
| 13. Ditto Korganoor. | |

Twelve Villages of Purgunna Chandkowte.

- | | |
|------------------------|-----------------------|
| 1. Kusba Chandkowte. | 7. Moje Daberee. |
| 2. Moje Chutterkee. | 8. Ditto Eetunhullee. |
| 3. Ditto Roogee. | 9. Ditto Gugunhullee. |
| 4. Ditto Moolsawulgee. | 10. Ditto Solapoor. |
| 5. Ditto Aheree. | 11. Ditto Hunchinal. |
| 6. Ditto Jumbgee. | 12. Ditto Kurulwar. |

Seven Villages of Purgunna Ooklee.

- | | |
|--------------------|---------------------|
| 1. Moje Donoor. | 5. Moje Hurgullee. |
| 2. Ditto Neginhal. | 6. Ditto Hurginhal. |
| 3. Ditto Moollal. | 7. Ditto Honutgee. |
| 4. Ditto Kuggoor. | |

Seven Villages of Purgunna Nuldroog.

- | | |
|------------------------|----------------------|
| 1. Moje Kesurzuwulgee. | 5. Moje Kalegaon. |
| 2. Ditto Moostee. | 6. Ditto Ebhrampoor. |
| 3. Ditto Sulgur. | 7. Ditto Kakrumb. |
| 4. Ditto Arlee. | |

Five Isolated Villages.

- | | |
|----------------------------------|----------------------------------|
| 1. Moje Pooluz, Purgunna Mohul. | 4. Moje Awrad, Purgunna Mun- |
| 2. Ditto Hurulgee, Purgunna Kul- | droop. |
| 3. Ditto Hottgee, Purgunna Ahir- | 5. Moje Moogulee, Purgunna Main- |
| waree. | durgee. |

Twenty-four Villages of Purgunna Hortee.

- | | |
|---------------------------|-------------------------|
| 1. Kusba Hortee. | 13. Moje Busnal. |
| 2. Moje Koloorgee. | 14. Ditto Sawulsung. |
| 3. Ditto Domnal. | 15. Ditto Hulgoonkee. |
| 4. Ditto Kunchinal. | 16. Ditto Goondwan. |
| 5. Ditto Muknapoor. | 17. Ditto Sonkunhullee. |
| 6. Ditto Boblad. | 18. Ditto Koorgee. |
| 7. Ditto Hudalsung. | 19. Ditto Morusnal. |
| 8. Ditto Nimbal Boodrook. | 20. Ditto Deginal. |
| 9. Ditto Nimbal Khoord. | 21. Ditto Goonkee. |
| 10. Ditto Kunnal. | 22. Ditto Turgoondee. |
| 11. Ditto Bomunhullee. | 23. Ditto Kottnal. |
| 12. Ditto Agusnal. | 24. Ditto Kupnimbурgee. |

Twenty-eight Villages of Purgunna Hulsunjee.

- | | |
|--------------------------|-------------------------|
| 1. Kusba Hulsunjee. | 15. Moje Mahnhullee. |
| 2. Moje Yelgee. | 16. Ditto Murgoor. |
| 3. Ditto Turiwaree. | 17. Ditto Chouryal. |
| 4. Ditto Arjnal. | 18. Ditto Hingnee. |
| 5. Ditto Bhairungee. | 19. Ditto Burgoondee. |
| 6. Ditto Boodihal. | 20. Ditto Ahersung. |
| 7. Ditto Keroor. | 21. Ditto Mailar. |
| 8. Ditto Chunegaon. | 22. Ditto Seergoor. |
| 9. Ditto Anjotgee. | 23. Ditto Anchee. |
| 10. Ditto Dhoolkhur. | 24. Ditto Nundral. |
| 11. Ditto Purnoor. | 25. Ditto Seernal. |
| 12. Ditto Bewnoor. | 26. Ditto Lonee Khoord. |
| 13. Ditto Chorgee. | 27. Ditto Bulolee. |
| 14. Ditto Munn Ankulgee. | 28. Ditto Jhulkee. |

Twenty-

Twenty-four Villages of Purgunna Bagewaree.

- | | |
|-----------------------|------------------------|
| 1. Moje Moottgee. | 13. Moje Hoonshal. |
| 2. Ditto Engleshwur. | 14. Ditto Hoolbenchee. |
| 3. Ditto Salwargee. | 15. Ditto Hunchinal. |
| 4. Ditto Heepurgee. | 16. Ditto Agusbal. |
| 5. Ditto Dindwar. | 17. Ditto Ewungee. |
| 6. Ditto Rubnal. | 18. Ditto Kamunkaree. |
| 7. Ditto Deginal. | 19. Ditto Boodihal. |
| 8. Ditto Tukulkee. | 20. Ditto Ooppuldinee. |
| 9. Ditto Oottnal. | 21. Ditto Nursungee. |
| 10. Ditto Munoor. | 22. Ditto Nagoor. |
| 11. Ditto Hullihal. | 23. Ditto Ambulnoor. |
| 12. Ditto Kuribuntal. | 24. Ditto Sunknal. |

Thirteen Villages of Purgunna Annigeree.

- | | |
|-----------------------|---------------------|
| 1. Kusba Annigeree. | 8. Moje Saidapoor. |
| 2. Moje Hullikeree. | 9. Ditto Munjegood. |
| 3. Ditto Saswihullee. | 10. Ditto Kawulwar. |
| 4. Ditto Kondikopp. | 11. Ditto Hullihal. |
| 5. Ditto Bussapoor. | 12. Ditto Bunnoor. |
| 6. Ditto Bhudrapoor. | 13. Ditto Nagoor. |
| 7. Ditto Untoor. | |

Fifteen Villages of Purgunna Uthnee.

- | | |
|---------------------------|-------------------------|
| 1. Kusba Uthnee. | 9. Moje Yekunchee. |
| 2. Moje Azor or Yemmihal. | 10. Ditto Burchee. |
| 3. Ditto Siroor. | 11. Ditto Koulgood. |
| 4. Ditto Nagoor. | 12. Ditto Sinal. |
| 5. Ditto Jumbgee. | 13. Ditto Musurgooppee. |
| 6. Ditto Sewnoor. | 14. Ditto Hunmapoor. |
| 7. Ditto Mullabad. | 15. Ditto Kirugeree. |
| 8. Ditto Bewnoor. | |

Sixteen Villages of Purgunna Honwar.

- | | |
|-------------------------|-----------------------|
| 1. Kusba Honwar. | 9. Moje Uluginhal. |
| 2. Moje Kukmuree. | 10. Ditto Babanuggur. |
| 3. Ditto Bijjurgee. | 11. Thana Telsung. |
| 4. Ditto Kotulgee. | 12. Moje Urtal. |
| 5. Ditto Kohullee. | 13. Ditto Bunnoor. |
| 6. Ditto Yellihudulgee. | 14. Ditto Kunnal. |
| 7. Ditto Bargee. | 15. Ditto Halhullee. |
| 8. Ditto Aigullee. | 16. Ditto Kunmura. |

Six Villages of Purgunna Gureekokutnoor.

- | | |
|--------------------------|---------------------|
| 1. Kusba Gureekokutnoor. | 4. Moje Junwar. |
| 2. Moje Suttee. | 5. Ditto Bulwar. |
| 3. Ditto Dodwar. | 6. Ditto Korganoor. |

Fifteen Villages of Purgunna Gulgulle.

- | | |
|------------------------------|-------------------------|
| 1. Kusba Gulgulle. | 9. Moje Chowrapoor. |
| 2. Moje Amuljhuree. | 10. Ditto Boodnee. |
| 3. Ditto Koloor. | 11. Ditto Bulwulmottee. |
| 4. Ditto Yerhullee. | 12. Ditto Boodihal. |
| 5. Ditto Rubkuvvee. | 13. Ditto Goolbal. |
| 6. Ditto Gunnee. | 14. Ditto Bisnal. |
| 7. Ditto Hunchinal Khoord. | 15. Ditto Moondugnoor. |
| 8. Ditto Hunchinal Boodrook. | |

ACTS of 1842.

The following Nine Isolated Villages.

- | | |
|---|---|
| 1. Moje Hipurgee, Purgunna Jumbhunde. | 6. Seergaon, dependant on the fort of Heeree Gundhurgurh. |
| 2. Ditto Nipanee } Kuryat Latt. | 7. Bhiwsee, Prant Kagul. |
| 3. Ditto Seergoogee } | 8. Moochundee, Purgunna Jutt. |
| 4. Ditto Belkhor, Kuryat Kubboor. | 9. Deshoor, Purgunna Yelloor. |
| 5. Ditto Mudunbhavee, Kuryat Naysurjee. | |

ACT No. VII. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 19th of August 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for repealing certain Provisions of the Bengal Code regarding Translations.

I. Whereas the rules regarding the rate of payment for translations of proceedings and other documents for the use of the civil courts, fixed by Section V. Regulation XIX. 1797, and Section XXXIII. Regulation IV. 1803, of the Bengal Code, require amendment;

It is hereby enacted, that Section V. Regulation XIX. 1797, and Section XXXIII. Regulation IV. 1803, be repealed.

ACT No. VIII. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 2d of September 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX. of 1841 and No. XX. of 1841, shall be applicable to the courts of highest civil jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the presidencies, the terms "Sudder Court" shall be deemed applicable to the courts respectively of the highest civil and criminal jurisdiction, as the case may be, of all the presidencies.

ACT No. IX. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 2d of September 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for extending the Statute Chap. XXI. 4th and 5th Queen Victoria, in certain Cases, to the Territories of the East India Company.

I. It is hereby enacted, that the Statute Chapter XXI of the 4th & 5th years of the reign of Queen Victoria, entitled "An Act for rendering a Release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same Parties," shall be extended to the territories of the East India Company from the 1st day of October next; provided always that this Act shall not be construed to affect any case which would not have been governed by the law of England before the passing of the aforesaid statute, if this Act had not passed, and provided that every deed or instrument of release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the statute aforesaid.

An

AN ACT for rendering a Release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same Parties.

ACTS of 1842.

[18th May 1841.]

“Whereas it is expedient to lessen the expense of conveying freehold estates :” be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, that every deed or instrument of release of a freehold estate, or deed or instrument purporting or adding to be a deed or instrument of release of a freehold estate, which shall be executed on or after the 15th day of May 1841, [and shall be expressed to be made in pursuance of this Act] shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at law and equity, as if the releasing party or parties who shall have executed the same had also executed in due form a deed or instrument of bargain and sale, or lease, for a year, for giving effect to such release, although no such deed or instrument of bargain and sale, or lease, for a year, shall be executed, provided that every such deed or instrument so taking effect under this Act shall be chargeable with the same amount of stamp duty as any bargain and sale, or lease, for a year, would have been chargeable with (except progressive duty) if executed to give effect to such deed or instrument, in addition to the stamp duties which such deed or instrument shall be chargeable with, as a release or otherwise, under any Act or Acts relating to stamp duties.

II. “And whereas many deeds or instruments of bargain and sale, or leases for a year, to give effect to deeds or instruments of release of freehold estates heretofore executed, have been lost or mislaid,” be it enacted, that where, in or by any deed or instrument of release of freehold estates executed before the 15th day of May 1841, any deed or instrument of bargain and sale or lease for a year for giving effect to such deed or instrument of release shall be recited, or by any mention thereof in such deed or instrument of release, appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the deed or instrument of bargain and sale or lease for a year, so recited or mentioned, having been made and executed; and such deed or instrument of release shall also have the like effect as if the same had been executed after the 15th day of May 1841, whether such deed or instrument of bargain and sale or lease for a year shall or shall not have been lost or mislaid, or may or may not be produced; provided always, that this Act shall not prejudice or affect any proceedings at law or in equity pending at the time of the passing of this Act, in which the validity of any bargain and sale or lease for a year shall be in question between the party claiming under such bargain and sale or lease for a year, and the party claiming adversely thereto, and such bargain and sale or lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, that in the construction of this Act the word “freehold,” shall have not only its usual signification, but shall extend to all lands and hereditaments for the conveyance of which, if this Act had not been passed, a bargain and sale or lease for a year, as well as a release, would have been used.

ACT No. X. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 14th of October 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for enabling the Inhabitants of any Place of Public Resort or Residence under the Presidency of Fort William, not within the Town of Calcutta, to make better Provision for Purposes connected with public Health and Convenience.

I. It is hereby enacted, that if it shall appear to either of the governments of the Presidency of Fort William, that two-thirds in number of the householders of any town, suburb, settlement, or place of public resort and residence within

ACTS of 1842.

that presidency, are desirous of making better provision for the repairing, cleansing, lighting, draining, or watching of any public streets, roads, drains, or tanks, or any like local purpose, it shall be lawful for the local government to which such place as above described is subject, to authorize the same in manner following.

II. And it is hereby enacted, that the local government, upon any application made to it for the purpose, by or on the part of the householders aforesaid, may, at its discretion, authorize the persons whose names shall be presented, or so many of them as may be thought proper, being inhabitants of the place, as above described, to be a Committee for the purpose of effecting the local objects specified in the application.

III. And it is hereby enacted, that any such committee may make such assessments and at such rates as may be necessary for effecting the objects aforesaid, and may make all necessary contracts and appoint such servants as may be required, with reasonable salaries; provided always, that no rate exceeding the amount of five per cent. on the rent or yearly value of the premises within the place as above described, or more than one rate in any year shall be raised without the express sanction of the local government; provided also, that no member of any such committee shall be personally liable in respect of any contract entered into by such committee on behalf of the inhabitants of any place as above described; provided that the said committee and every member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a civil action as the money and at the suit of the local government.

IV. And it is hereby enacted, that the local government shall in every case prescribe such rules for every committee as may appear necessary for the proper security of the funds collected from the inhabitants, and shall have the power of removing any member of every such committee, on its appearing to such government that the security or efficiency of the trust is in danger of being impaired. And in case of no person being named by the remaining members of the committee to the satisfaction of the local government to act upon such committee, in the place of the person removed, within one month, the local government may appoint a member of the committee in the place of the person removed.

V. And it is hereby enacted, that every such committee shall on the 30th day of April in every year, or oftener, if required by the local government, render to the local government an account of all sums received and expended in the preceding year, in such form and with such vouchers as the local government may from time to time require.

VI. And it is hereby enacted, that upon the application of such committee to any magistrate or justice of the peace, such magistrate or justice is required to exercise the same powers for levying the rate which may be due from any defaulter as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate, the property assessed shall be sufficiently identified, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under warrant from a magistrate or justice of the peace for the payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the local government to dissolve any such committee, and to appoint any person or persons to inquire into and report upon the conduct of such committee, or of any members thereof, in the execution of their trusts, and such person or persons so appointed shall have power to send for persons, papers, and records, and to compel the attendance or delivery of the same, and to examine witnesses upon oath.

ACT No. XI. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 21st of October 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for Amending and Explaining the Law concerning the Importation of Foreign Sugar.

It is hereby enacted and declared that the prohibition and penalties contained in Acts No. XXXII. of 1836 and No. XV. of 1839, against the landing or attempting to land in any part of the territories subject to the Presidency of Fort William in Bengal, or the Presidency of Fort St. George, of any foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, shall apply and be deemed to apply to such sugar otherwise imported into any part of the territories subject to the said presidencies.

ACT No. XII. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 28th of October 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the better Regulation of Military Bazaars, and defining the Liabilities of Camp-followers.

I. It is hereby enacted, that no person residing within the limits of any military cantonment, and carrying on trade therein, or who shall have been a trader at any military cantonment, shall be allowed to recover in any military court of requests for the native troops of the East India Company, held within any such cantonment, any debt contracted in the way of trade, or for the loan of money, within any such cantonment, by any person subject to the jurisdiction of such court, unless the person seeking to recover the debt shall at the time of contracting thereof have been registered as a military bazarman within any such cantonment.

II. And it is hereby declared, that all persons serving with any part of the army, and receiving public pay in any capacity, menial servants, and other camp-followers of every description, shall be subject to the provisions of Acts No. XI. of 1841 and No. XXVIII. of 1841, in like manner as enlisted soldiers.

ACT No. XIII. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 28th of October 1842, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to enable the Holders of Revenue which has been Alienated to them by the State, to collect that Revenue within the Presidency of Bombay.

I. Whereas it is expedient to authorise the grant by the Governor in Council of Bombay, at his discretion, of commissions to certain jageerdars and others, by virtue of which such persons shall possess increased powers for collecting the Revenue due to them;

It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant to any jageerdar, sūrinjamdar, inamdar, or other person holding lands or villages, the revenue of which has been alienated to him by the state, a commission conferring upon him authority for the collection of such revenue by the powers hereinafter mentioned, or such of them as shall be specified in the commission, in addition to the powers now exercisable by law.

ACTS of 1842.

II. And it is hereby enacted, that such commission, which shall be drawn out according to the form of the annexed Schedule (A.), shall be granted or withheld, and when granted shall be liable to be withdrawn at the pleasure of government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more agents of such holder of alienated revenue as well as to the holder in person.

III. And it is hereby enacted, that the holder of such commission shall have authority to demand security for the payment of the revenue, in respect of the lands or villages specified in the commission, and if the same be not furnished, to take such precaution as the collector is authorised to take under Section XI., Regulation XVII. of 1827, Bombay Code.

IV. And it is hereby enacted, that the holder of such commission shall have authority to send mohussuls on defaulters under the provisions of Clauses II., III. and V., Section XII., Regulation XVII. of 1827, Bombay Code, provided that one foot mohussul only be employed in each case, and that the mohussullees shall cease on the enforcement of any other remedy for the collection of the revenue, except the taking of such security as aforesaid.

V. And it is hereby enacted, that the holder of any such commission shall be authorised to attach the property of persons making default in the payment of such revenue as aforesaid, making an immediate report to the collector or his assistant of his having done so, and should the demand on account of which the attachment may be made appear to the collector or his assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the provisions of Clause VII., Section XII., Regulation XVII. of 1827, Bombay Code, except in cases in which the holder of the commission by whom the attachment has been made shall be a jageerdar, surinjamdar or inamdar, vested by Regulation XIII. of 1830, with civil jurisdiction, and with power to execute his own decrees, or his agents, when the sale shall be conducted by him, and not by the collector and his subordinate revenue officers.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease on the alleged defaulter furnishing security to the holder of the commission, or to the collector or assistant collector of the district, to institute a suit within 15 days, in a competent court, for the purpose of trying the demand, and to pay the amount which may be decreed against him, with costs and interest, in such court, provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827, Sections III. and IV., and by Regulation VII. of 1830, Bombay Code, may be the defendant, shall be tried before the collector and his assistants, anything in Regulations I. and XVI. of 1831, notwithstanding. And any holder of any such commission as aforesaid by himself or his agents proceeding with any compulsory process under this Act, after the furnishing of such security as aforesaid, or after the due tender thereof, shall forfeit three times the amount of the revenue sought to be recovered by such compulsory process.

VII. And it is hereby enacted, that if the revenue or rent payable to a jageerdar, or other holder of government alienated lands or villages, shall have been fixed by a government officer before the grant of the land in free tenure; or if the rent or revenue tendered by any ryot or other person, be at the usual rate payable according to the custom of the village and pergunna, as declared by the koolkurnee and other local officers of revenue, the enforcement of a demand by any holder of a commission under this Act of an excess of rent or revenue beyond the amount due as above provided, shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain upon any judgment being passed, after regular or summary trial, three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated lands or villages from instituting a suit in any court of competent jurisdiction for the purpose of establishing his claim to re-assess the lands or re-settle the revenue of any ryot or other who may be paying less than the full juma to which he is justly liable; and upon such holder obtaining a decree adjudging to him such power, the demand made by him under such decree shall, if conformable thereto, be deemed a legal demand for arrears,
and

and shall be leviable by the same process as is above provided for other arrears due. ACTS of 1842.

VIII. And it is hereby enacted, that the power conferred by such commission shall extend to the enforcement of the payment of the revenue of the current season, and of the season next immediately preceding, and not to that of former years.

SCHEDULE (A).

Form of Commission to be issued to a Holder of Alienated Revenue, or his Agent, for enabling him to recover such Revenue.



The Governor in Council of Bombay, by virtue of the powers vested in him by Act No. XIII. of 1842, is pleased to confer on you (jageerdar, &c., or agent, &c., as the case may be) power to realize all revenue demands due to you (or to your principal) from the villages and lands specified in this Commission in the manner prescribed in (or in sections of) this Act.

The villages and lands over which the power thus conferred upon you extends are as follows :

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recal of the said Governor in Council.

(signed) _____

ACT No. XIV. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 25th of November 1842, with the Assent of the Right Honourable the Governor-General of India.

AN Act for giving greater Facility in the Abatement and Prosecution of Nuisances in and through the Towns and Islands of Bombay and Colaba.

I. It is hereby enacted, that no person shall throw or deposit, or cause to be thrown or deposited, any offensive matter or thing whatever on any open space of ground contiguous to any public thoroughfare on the islands of Bombay or Colaba.

II. And it is hereby enacted, that the owner or occupier of every such open space shall, on a written order from the court of petty sessions for such purpose, forthwith enclose the same with a fence or wall, and in default thereof for the space of 10 days the said court shall cause such enclosure to be made, and the expense thereof shall be defrayed by the municipal fund, and the said owner or occupier shall be liable to a penalty not exceeding twice the amount so expended.

III. And it is hereby enacted, that it shall be lawful for the said court of petty sessions to order and direct that proper and suitable drains or gutters for the conveyance of wastage, water, filth and other offensive matter proceeding from the houses or premises of any of the inhabitants or occupiers thereof, shall be made and built by the owners of such houses in such manner as the said court of petty sessions shall direct, and upon such owners failing so to do, and also to keep the same in repair, for the space of 10 days after notice to that effect shall have been given by the said court, the said court may cause such drains or gutters to be built or repaired, and the expense thereof shall be defrayed out of the municipal fund, and the said owners shall be liable to a penalty not exceeding twice the amount of such expense : provided always, that a default in

ACTS of 1842. the making or repairing such drains or gutters has created, or is likely to create a public nuisance.

IV. And it is hereby enacted, that the owner or occupier of any house or tenement having a privy erected upon his premises, shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

V. And it is hereby enacted, that every privy, sink, drain, watercourses, compound, yard, lane or passage adjoining or belonging to any house or premises, shall be kept clean by the owners or occupiers thereof, so that the same shall not become a public nuisance.

VI. And it is hereby enacted, that no person shall throw or deposit any filth or rubbish on the roof, or weather-boards of any buildings, or suspend therefrom any article whatever, so as to project over any street or public thoroughfare; nor shall any person bathe himself, or wash any animal or clothes, or throw any offensive matter or thing whatever in or into any of the public tanks or wells, and the Governor in Council is hereby empowered, from time to time, by proclamation, to declare what tanks or wells shall be deemed public; and also which of such public tanks or wells may be used for the purpose of bathing and washing linen therein.

VII. And it is hereby enacted, that it shall be lawful for the court of petty sessions to require any person, owner or tenant, keeping a public brothel or lodging houses for prostitutes, or disorderly character of any description in any of the more public roads or streets of Bombay and Coloba, to shut up the same, or to remove such tenants from the premises, and on his failing to do so within the time specified in a notice to be given to him to that effect, he shall be deemed to have offended against the provision of this Act.

VIII. And it is hereby enacted, that no person shall keep a coffee-shop, eating-house, or any place of public resort other than a legally licensed tavern or spirit-shop, without the permission or license of the court of petty sessions, which court is hereby empowered to grant such permission or license in writing, and which may be revoked by the said court on good and sufficient cause.

IX. And it is hereby enacted, that all offences against this Act shall be summarily inquired into and decided by the court of petty sessions, and every offence for which there is not a special penalty shall be punishable by a fine not exceeding 200 rupees.

X. And it is hereby enacted, that all fines imposed under this Act shall be paid into the general treasury for the benefit of the municipal fund.

ACT No. XV, OF 1842.

Passed by the Honourable the President of the Council of India in Council on the 2d of December 1842, with the Assent of the Right Honourable the Governor-General of India.

AN Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius,

Whereas it hath been ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows:

At the Court at Windsor, The 15th of January 1842.

Present:

The Queen's Most Excellent Majesty,
His Royal Highness Prince Albert.

Lord President.	Lord Stanley.
Lord Privy Seal.	Lord Fitzgerald and Vesci.
Lord Steward.	Sir Robert Peel, Bart.
Lord Chamberlain.	Mr. Chancellor of the Exchequer.
Earl of Jersey.	Sir James Graham, Bart.
Earl of Ripon.	Sir Edward Knatchbull, Bart.

Whereas it is probable that the laws now in force in British India for preventing the emigration of the inhabitants thereof to Her Majesty's colonial possessions

sessions will be shortly repealed so far as regards emigration to the Island of Mauritius, and that such last-mentioned emigration will be sanctioned by laws to be for that purpose enacted in India, subject to various provisions to be in such laws made for the protection of such emigrants, and for the prevention of abuses: And whereas it is probable that amongst the provisions so to be made as last aforesaid, will be a provision for enabling the Governor-general of India to appoint at ports or places in India, officers charged with the care, protection, and superintendence of all persons proposing to emigrate as labourers from India to Mauritius: And whereas it is probable that provision will be made by law at Mauritius for defraying from the public revenue of that island the expense of introducing emigration thither from British India: And whereas it is necessary that effectual provision should be made by law at Mauritius for regulating any such expenditure, and for the prevention of abuses in the introduction of emigrants from British India into that island: It is therefore hereby ordered by the Queen's most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, that in the event of any law being made in British India, authorizing the emigration to Mauritius of the natives of India, and repealing the restrictions now in force there in regard to such emigrations, and in the event of any such laws containing provisions enabling the Governor-general of India to appoint at the several ports of embarkation in India, officers charged with the protection of persons emigrating from such ports to Mauritius, the various rules and regulations comprised and set forth in the Schedule to this present Order subjoined shall, within the Island of Mauritius, have the force and effect of law, and shall be observed and carried into effect by all Her Majesty's officers, civil and military, in Mauritius, and by all Her Majesty's subjects within the same island, as to them may respectively appertain.

ACTS of 1842.

And the Right honourable Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(signed) *C. Greville.*

The Schedule referred to in the preceding Order, comprising the rules and regulations to be observed at Mauritius in regard to emigrants from British India, resorting to and arriving at that island:—

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as emigration agents at any port or place in India which the Governor-general of India may designate as a port or place for the embarkation of emigrants to Mauritius, and may also from time to time nominate a proper person to act as protector of immigrants at Mauritius.

2d. The remuneration to be given to any such agent in India shall not depend upon or be regulated by the number of the emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

3d. Every such emigration agent shall ascertain by personal communication with every emigrant previously to his or her embarkation from the port or place for which such agent shall be appointed, that such emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such agent shall explain the real advantages likely to be derived by such emigrants from a removal to Mauritius, and at the same time cautioning such emigrant against unreasonable and unwarrantable expectations; and such agent shall also ascertain that every such emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4th. It shall not be lawful to ship on board of any ship or vessel carrying emigrants from India to Mauritius, any number of passengers exceeding the proportion of one person for every two tons of the registered burthen of such ship or vessel, and no such ship or vessel carrying emigrants, and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that

ACTS of 1842.

the lower beams shall project above the same, and that no such ship or vessel shall have more than two tiers of berths, and that no such ship or vessel shall carry passengers on any such voyage to Mauritius unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and whatever may be the tonnage of the ship or vessel, no greater number of passengers shall be taken on board of such ship or vessel than shall be after the rate of one such person for every 12 superficial feet of the lower deck or platform, unoccupied by goods or stores, not being the personal luggage of such persons.

5th. In the computation of the number of passengers within the meaning of these regulations, two children under the age of 10 years shall be considered as equal to and shall be reckoned as one person only.

6th. There shall be actually laden and on board of every ship or vessel bringing emigrants into Mauritius, at the time of departure of such ship or vessel from the port or place at which such labourers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers over and above the victualling of the crew, to the amount or in the proportion following; that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks, and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: provided always, that when any such ship or vessel shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water casks, a supply of water at the rate before-mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this regulation; and provided, that the preceding regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear that by the special authority of the Governor-general of India, any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7th. The number of weeks which shall be deemed necessary for the voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined by any law or ordinance to be promulgated for that purpose by the Governor-general of India in Council, and according to any such law or ordinance shall and may be further determined, whether at different periods of the year different estimations are to be made of the probable length of any such voyage, and if by any such law or ordinance the removal of emigrants should during any particular period of the year be prohibited altogether, then any such removal during such prohibited period shall in Mauritius be regarded, dealt with, and punished as an infringement of these present regulations.

8th. Before any such ship or vessel shall be cleared out on any such voyage, the agent appointed under this ordinance for the port or place from which such ship or vessel shall be cleared out, shall survey, or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed seaworthy, and that the directions hereinbefore contained for insuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof under his hand to the master of such ship or vessel.

9th. The master of every ship or vessel bringing emigrants to Mauritius shall be bound to provide for and furnish to every such emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her, and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such ship or vessel in Mauritius.

10th. Two copies of these regulations, authenticated by the signature of the agent at the port or place from which such emigrants shall come, shall be delivered to the master by such agent on demand at the time of clearance, and

and shall be kept on board of every ship or vessel carrying such emigrants as aforesaid, and one of such copies shall, upon request made at seasonable times to the master of the ship or vessel, be produced to any passenger for his perusal.

11th. The master of every ship or vessel carrying emigrants from India to Mauritius shall, before clearing out such ship or vessel, deliver to such agent at the port or place from which such vessel shall be cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be the names, ages, and occupations of all and every the emigrants on board such ship or vessel, and such agent shall thereupon deliver to the said master the counterpart of such lists, signed by such agent, and the said master shall on the arrival of such ship or vessel at Mauritius, and previous to the disembarkation of any such emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the protector of immigrants hereinbefore mentioned; and such protector of immigrants shall forthwith proceed on board of such ship or vessel, and shall ascertain as far as possible by personal inspection of the ship or vessel and passengers, whether the directions hereinbefore contained with regard to the situation of the berth of such ship or vessel, the proportion of the passengers to the burthens and measurement of such ship or vessel, and the maintenance of the emigrants during such passage have been complied with, and such protector of immigrants shall personally muster such emigrants, and compare the number and names of such emigrants with the said counterparts of such lists, and shall certify in writing under his hand upon such counterpart the total number of emigrants then living and being on board of such vessel, and in case any such emigrant shall have died during the passage, or the number or names of the emigrants shall differ from the number or names stated in such counterpart, the protector of immigrants shall note such death or difference upon such counterpart, and thereupon shall grant a licence under his hand for the disembarkation and landing of such emigrants.

12th. If the protector of immigrants on such personal inspection of the ship or vessel and emigrants, shall be satisfied that the preceding regulations have been complied with, he shall grant a certificate under his hand of the arrival in Mauritius of such emigrants respectively, and the place from which, and the ship or vessel in which such emigrants shall have arrived.

13th. No money shall be payable by the colonial treasurer of Mauritius in respect of any such emigrants as aforesaid, except on the warrant of the governor of that island, which warrant shall not be issued except on such certificate as aforesaid of the said protector of immigrants.

14th. The protector of immigrants shall keep a register of all persons in respect of whom any such certificate as aforesaid shall be granted, and of the ship or vessel in which, the port from which, and the time at which such person shall have arrived in this colony, a copy of which registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

15th. If any ship or vessel bringing emigrants from India to Mauritius shall carry any number of passengers exceeding the proportion authorized and allowed by these regulations, a penalty of 5*l.* per head shall be payable in respect of each passenger so carried in excess of such proportion, or if such ship or vessel shall not be of the height between decks hereinbefore required; or if such a platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such manner as is hereinbefore required; or if there shall be more than two tiers of berths, or if there shall not be throughout the whole duration of any such voyage, such an interval as is hereinbefore prescribed between the deck and the floor of the lower tier of berths; or if any such ship or vessel shall clear out, and put to sea not having on board such water and provisions as aforesaid for the use and consumption of the passengers, of the kind and to the amount and in the proportion hereinbefore directed; or if any such ship or vessel shall be cleared out before such lists of emigrants shall have been delivered in manner and form aforesaid, or if any such lists shall be wilfully false; or if the copy of these regulations be not produced as hereinbefore required; or if any emigrant shall not be maintained

ACTS of 1842.

during such voyage, and for 48 hours after his arrival; the master of any such ship or vessel shall, for and in respect of each and every such offence, be liable on summary conviction before any stipendiary magistrate at any time within the space of 12 calendar months next after the arrival of such master within the colony of Mauritius, to the payment of a fine not less than 5*l.*, nor more than 20*l.* British sterling, and in default of payment of the fine above mentioned either immediately or at the time fixed by such stipendiary magistrate at the time of making such conviction, to imprisonment for any time not less than one nor more than three calendar months.

16th. Provided nevertheless, that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any emigrant in any such ship or vessel, or to any other person in respect of the breach or non-performance of any contract made or entered into between or on the behalf of any such emigrant or other person, and the master, owner or owners of any such ship or vessel.

17th. Provided always, that nothing in these regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's ships of war.

18th. No emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

19th. No emigrant arriving from India at Mauritius, and engaging to labour in that island, shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted or any contract made by such emigrant before his arrival in the said island.

20th. No emigrant arriving from India at Mauritius shall in Mauritius be capable of entering into any contract for service, except for the period, in the manner and under the superintendence which by a law in force there is required in the case of contracts for service made by other labourers in agriculture or manufactures within the said island.

21st. No payment shall be made from the treasury of the said island in respect of any emigrants introduced there from India, unless on proof to the satisfaction of the governor of Mauritius, that all rules and regulations which may be established by law in India, for the advantage and protection of such emigrants, have been duly complied with, such rules and regulations not being repugnant to anything in these regulations contained.

22d. In every case in which the penalties hereby denounced against offences are imposed by the use of the words in the masculine gender or in the singular person, such words shall be understood as extending to the feminine gender also and to any number of persons, unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these regulations are established and made.

(signed) *C. Greville.*

In conformity with which said order, and for the purpose of giving effect thereto, it is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of natives from the ports of Calcutta, Madras, and Bombay respectively to the Mauritius, shall be repealed from the day when the Governor-general of India in Council, or in his absence the President in Council, shall notify in the Gazette that it hath been duly certified to him that such regulations have been provided, and that such measures have been taken by the government of Mauritius, as he may deem necessary for the protection of emigrant labourers from India on their passage to the Mauritius, and during their residence there, and for their safe return at the expiration of five years, or any subsequent period, should they be desirous of returning to India: Provided always, that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the ports of India except the ports aforesaid, and in regard to emigrants from India proceeding to other places than the Mauritius.

II. And

II. And it is hereby enacted, that after this Act shall come into operation, emigrant labourers, being native inhabitants of the territories under the government of the East India Company, shall be allowed to pass and to be conveyed from India to the Mauritius from the ports of Calcutta, Madras, and Bombay respectively, in compliance with the provisions hereinafter mentioned, but not otherwise. ACTS of 1842.

III. And it is hereby enacted, that at each of the three ports aforesaid it shall be lawful for the government of the presidency within which the port is situated, to authorize the persons nominated by the government of Mauritius, under the order hereinbefore inserted, to act as emigration agents at the aforesaid ports respectively, and to exercise the powers conferred on emigration agents by this Act; and every such emigration agent shall make monthly reports to the government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that it shall not be lawful to convey any emigrant being a native of India, who may embark for the purpose of labouring for hire in the colony of Mauritius from either of the ports aforesaid, in any ship or vessel, unless a licence be obtained for carrying emigrants in such ship or vessel from the government of the presidency in which the port is situated. A fee not exceeding one rupee per emigrant, as may be regulated from time to time by the local government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said government, and the granting or withholding any such licence shall be entirely discretionary with the government, and in consideration of such licence the master of every ship conveying or destined to convey emigrants from India shall execute a bond, binding himself and his owners in a penal sum of 10,000 rupees to conform to the several conditions hereunder provided, and the said bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the colony of Mauritius, and one copy shall be forwarded to the government of Mauritius to be dealt with as the case may require; and every ship or vessel in which any such emigrant shall be conveyed without a licence being obtained as aforesaid shall be liable to be forfeited, and the master thereof shall be liable as for a misdemeanor in a fine of 1,000 rupees for every such emigrant so illegally conveyed.

V. And it is hereby enacted, that it shall not be lawful for the master of any vessel licensed as above to receive on board any emigrant labourer as above provided, unless such labourer shall have in his possession and show a certificate or pass to be given to him by the emigration agent of the port, stating his name and the name of his father and his age, and certifying that having appeared before such agent he has declared his willingness and desire to proceed to work for hire in the said colony of Mauritius.

VI. And it is hereby enacted, that before any ship or vessel so licensed to carry emigrant labourers as above provided, shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the master of such ship or vessel, provided any emigrant of the description aforesaid shall embark therein, to obtain from the emigration agent so nominated and authorized at such port as aforesaid, a certificate under the hand of such agent to the effect following, that is to say:

1st. That such agent has, by personal communication, done what is required on the part of such agent by the third Article of the Schedule hereinbefore inserted: provided always, that every such agent shall make the inquiries specified in such Schedule in an open court or public office, to which all persons shall have admission.

2d. That all the directions contained in the 4th, 5th, 6th, and 8th Articles of the Schedule hereinbefore inserted for insuring the health and safety of passengers have been duly complied with.

3d. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor-general in Council, or in his absence the President in Council, shall from time to time frame touching the medical attendance and medical stores to be provided, the species of provisions suited to

ACTS of 1842. native habits, the number of women that should accompany the emigrants, or other matters.

VII. And it is hereby enacted, that with reference to Article 7 of the Schedule hereinbefore inserted, the probable lengths of a voyage to the Mauritius from the respective ports aforesaid shall, for the purpose of this Act, be deemed to be for the port of Calcutta :

Between the months of April and October inclusive, ten weeks.

Between the months of November and March inclusive, eight weeks.

For the port of Madras, between the months of April and October inclusive, seven weeks, and between the months of November and March inclusive, five weeks.

For the port of Bombay, between the months of April to September inclusive, five weeks, and between the months of October to March, inclusive, six weeks.

VIII. And it is hereby enacted, that before any ship or vessel shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the master thereof to deliver to the emigration agent so nominated and authorized at such port as aforesaid the list specified in Article 11 of the Schedule hereinbefore inserted, and to obtain such duplicate thereof as is required by the said article.

IX. And it is hereby enacted, that if the master of any ship or vessel shall at any of the ports aforesaid take on board such ship or vessel any emigrant labourer of the description aforesaid, and shall clear such ship or vessel for the Mauritius without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any magistrate or justice of the peace, in a penalty of 200 rupees for every emigrant labourer so taken on board his ship or vessel.

X. And it is hereby enacted, that if the master of any ship or vessel shall, after having cleared such ship or vessel at any such port as aforesaid for Mauritius, take on board any such emigrant labourer as aforesaid without having entered such emigrant labourer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such emigrant, prior to clearance, he shall be liable, on conviction, before any magistrate or justice of the peace, in a penalty not exceeding 500 rupees for every emigrant so taken on board his ship or vessel.

XI. And it is hereby enacted, that if any master of any ship or vessel cleared for the Mauritius as aforesaid shall, after having obtained such certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship or vessel, its passengers, or other matters to which such certificate relates, such master shall be liable, on conviction, in any penalty not exceeding 5,000 rupees, besides incurring a forfeiture of any bond executed in consideration of any licence obtained for the vessel as originally described.

XII. And it is hereby enacted, for the greater security against emigrant labourers being embarked for the Mauritius contrary to the provisions of this Act, that all the powers vested by law in the officers of customs in regard to the searching and detention of ships or vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of such emigrants as aforesaid on board ships or vessels bound for the Mauritius, and of other offences against this Act; and it is further enacted, that all pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as preventive officers of customs in this behalf.

XIII. And it is hereby enacted, that every person who shall attempt by means of intoxication, or by false imprisonment, or other means of crimping, to export any native on board any ship or vessel contrary to the provisions of this Act, shall be liable to be punished before a magistrate in a fine not exceeding 500 rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment;

ment; but the offender shall only be liable to one of these courses of proceeding.

ACTS of 1842.

XIV. And it is hereby enacted, that whenever a vessel shall clear from Calcutta for Mauritius with emigrant labourers duly embarked thereon, the customs' officer on board such vessel shall countersign the pass or certificate brought on board by every such emigrant labourer, and shall keep a register of every such emigrant labourer as may come on board; and such customs officer shall remain on board such vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the crew and passengers has been made in his presence and in that of the pilot in charge of the vessel; and after the customs' officer has taken muster and quitted the vessel, the pilot shall continue to exercise the duties indicated in Section 12 of this Act; and it shall be lawful for him if he shall deem it necessary, to require the master or commander to take a general muster of the crew and passengers and emigrant labourers on board, and to sign a muster-roll so taken; and every such custom-house officer and pilot shall make a complete report of the emigrant labourers on board of any ship at the time of his quitting the same, and such report shall contain a declaration, that to the best of the declarant's belief no additional coolies have been received on board since obtaining the certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act, and every such report, or muster, if any, shall be transmitted without delay to the emigration agent of the port; and any custom-house officer or pilot who shall wilfully make a false, erroneous or incomplete report of the emigrant labourers on board of any ship, or who shall connive at the unauthorized embarkation of any such emigrant labourers, shall be liable, besides dismissal, to a fine of 500 rupees, commutable, if not paid, to imprisonment in the Calcutta jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the customs revenue.

XV. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVI. And it is hereby enacted, that all the several penalties to which masters of ships or vessels are liable by this Act shall be enforced by information laid before any justice of the peace at the instance of the emigration agent, or of any officer appointed for the purpose by the government of the place or presidency, or may be enforced by putting in suit the bond given by the master, if such bond has been given in consideration of the licence granted to the ship.

ACT No. XVI. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 16th of December 1842, with the Assent of the Right honourable the Governor-General of India.

AN ACT concerning the Terms of Leases granted by Zemindars and Proprietors.

It is hereby enacted, in modification of Sections II. and III. Regulation XIV. of 1812, of the Bengal Code, that zemindars or other proprietors of land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government: provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

ACTS of 1842.

ACT No. XVII. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 16th of December 1842, with the Assent of the Right honourable the Governor-General of India.

AN ACT relative to the Number and Powers of the Revenue Commissioners under the Presidency of Bombay.

I. It is hereby enacted, that so much of Regulation V. of 1830, of the Bombay Code, as provides that one revenue commissioner shall be appointed for the territory subordinate to Bombay, and that the Southern Maharatta country shall be excluded from his jurisdiction, is repealed.

II. And it is hereby enacted, that one or more revenue commissioners shall be appointed for the whole of the territory composing the presidency of Bombay, each of whom shall be vested with all the powers possessed by the single revenue commissioner, under Regulation V. 1830, and shall be empowered to act within the presidency of Bombay, or over such portion as the Governor in Council of Bombay may from time to time prescribe by an order published in the Gazette.

III. And it is hereby enacted, that each revenue commissioner shall have such number of deputies and assistants as the Governor in Council may deem it expedient to appoint.

 ACT No. XVIII. of 1842.

Passed by the Honourable the President of the Council of India in Council on the 23d of December 1842, with the Assent of the Right honourable the Governor-General of India.

AN ACT for facilitating preliminary Investigations of Criminal Cases connected with the Collection of the Revenue within the Presidency of Bombay.

I. It is hereby enacted, that it shall be competent for the revenue commissioner or his assistant, within the presidency of Bombay, to exercise the same powers as the collector and magistrate of any zillah under that presidency, in all matters touching the collection and management of the revenue, and the conduct of revenue officers in their official capacities, except that they shall not pass any sentence of punishment; but, when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the magistrate for trial or for committal, according to the nature of the case.

II. And it is hereby enacted, that a revenue commissioner or his assistant, or a collector of land revenue or his assistant, or a sub-collector, may, by written order, delegate in any case to any native servant regularly employed on their respective establishments, not being of an inferior grade to a karcoon, any of the above powers of preliminary investigation, provided they be the same as are exercised by district officers of police under the Regulations; and the proceedings under this Act of all such servants shall be sent to the delegating authority for revision; and after such revision, if the charge be not dismissed, the case shall be forwarded to the magistrate as aforesaid.

III. And it is hereby provided, that nothing in this Act contained shall prevent any magistrate from making preliminary inquiries and proceeding under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

INDEX TO THE ACTS
OF THE
SUPREME GOVERNMENT,
For 1842.

	ACT.	SECTION.
A.		
Acquisitions by exchange from the Sattara state - - - - -	VI.	
Act No. XXI. of 1839 extended to certain petty thefts, not being simple larcenies - - - - -	III.	I.
— No. VIII. of 1839, part of, as relates to certain villages within the Bombay presidency, rescinded - - - - -	VI.	
— Nos. XIX. and XX. of 1841, the powers vested in the courts of Sudder Dewanny Adawlut by, made applicable to the courts of of the highest civil jurisdiction in the Madras and Bombay presidencies - - - - -	VIII.	
— Nos. XXXII. of 1836, and XV. of 1839, prohibiting the landing of foreign sugar within the presidency of Fort William or Fort St. George, made applicable to such sugar otherwise imported. See Sugar - - - - -	XI.	
— Nos. XI. and XXVIII. of 1841 made applicable to camp followers of every description receiving public pay - - - - -	XII.	II.
— No. XIV. of 1839, and all Acts repealed thereby, so far as they are applicable to the emigration of natives from Calcutta, Madras, and Bombay to the Mauritius, repealed. See Emigration - - - - -	XV.	I.
Assessments to be levied in towns, suburbs and settlements, or places of public resort and residence not within Calcutta, for the purposes of public health and convenience. See Municipal Law - - - - -	X.	
B.		
Boats and catamarans in the Madras Roads, rules made for the better management of - - - - -	IV.	
— carrying passengers, goods, or letters to and from ships in the Madras Roads and shore to obtain licences; in default, persons employing the boats how to be punished, and the boats how to be dealt with in such case - - - - -	"	I.
— master attendant may grant licences, and the same to be renewed on what occasions. Change of abode of owners and boatmen where to be noted down; in default of notice of such changes, parties how to be punished. What fee to be charged for new registration - - - - -	"	II.
— master attendant how to be satisfied of the capacity and condition of boats previously to granting a licence. What fee to be charged for survey and admeasurement of boats - - - - -	"	III.
— numbers corresponding with those of the registry and licence how to be marked on; persons counterfeiting numbers how to be punished - - - - -	"	IV.
— numbers how to be painted, cut, or branded for the prevention of fraud or omission. Owners or other persons guilty of incorrect painting, cutting, branding, erasing, or concealing figures, how to be punished - - - - -	"	V.
— of certain dimensions mentioned how to be manned, and shall carry what number of passengers and what quantity of goods - - - - -	"	VI.
— tindals or owners of boats, or other persons acting as principals or accessaries, how to be punished for surplus passengers and weight of cargo - - - - -	"	VII.
— hours limited for boats to leave the shore, and to remain alongside any vessel. Master attendant may prevent boats from putting off to or from the shore, and by what signal; parties how to be punished for breach of this clause - - - - -	"	VIII.
— when and where boats and catamarans, and their crews, to be exposed for the inspection of the Marine Board and the master attendant, and what steps to be adopted for enforcing the repair of boats found unseaworthy, and for the employment of efficient crews - - - - -	"	IX.
— places assigned for the landing of goods of descriptions mentioned; persons landing, or attempting to land otherwise, how to be punished - - - - -	"	X.
— vessels and dhonies, to anchor in what parts of the roads; owners of boats how to be punished for communicating with vessels and dhonies which shall be anchored otherwise - - - - -	"	XI.
		(continued)

	ACT.	SECTION.
Boats and catamarans; owners of boats, when not employed, to be in attendance at the boat-office during fixed hours of the day; in default, how they are to be punished - - - - -	IV.	XII.
— owners of boats demanding a higher rate of hire beyond what is fixed by Schedule (B.) how to be punished - - - - -	"	XIII.
— owners, or persons deputed by them, how to be punished for refusing to let on hire boats and catamarans, for public or private service, within the hours and in terms in Schedule (B.) - - - - -	"	XIV.
— boatmen how to be punished for causing impediments to the service of boats and catamarans - - - - -	"	XV.
— owners of, shall provide for service during the night certain numbers of boats, and in default how to be punished - - - - -	"	XVI.
— to be kept completely dunnaged and seaworthy; and in default thereof, and any damage of goods or cargo, as also for endangering lives, owners how to be punished - - - - -	"	XVII.
— what is to be the penalty on, having a communication with ships in the offing or beyond the limits of the anchorage, before the master attendant's report boat has boarded them - - - - -	"	XVIII.
— searches authorized to be made on boats and catamarans, and on persons on board such boats, for prohibited or smuggled goods; what penalty to be levied for impeding such searches - - - - -	"	XIX.
— Secs. III. IV. VII. VIII. IX. and X. of the Marine Police Regulation of Madras repealed - - - - -	"	XX.
— justices of the peace for the Madras Presidency may exercise the jurisdiction and authority ordained to be exercised by the master attendant and deputy master attendant of the port of Madras - - - - -	"	XXI.
— owners or servants connected with, shall be amenable to Secs. XI. XII. and XIII. of the Marine Police Regulation - - - - -	"	XXII.
— Sec. XXXVI. of the above Regulation how applicable - - - - -	"	XXIII.
— cases of forfeitures and penalties by whom to be heard and determined, and how the penalties are to be recovered and disposed of - - - - -	"	XXIV.
Bombay, certain villages brought under the government of, and made subject to regulations - - - - -	VI.	
C.		
Calcutta, sale of opium and other intoxicating drug in, regulated. <i>See</i> Opium - - - - -	I.	
Camp followers, of every description, receiving public pay to be subject to provisions of Acts XI. and XXVIII. of 1841, like enlisted soldiers - - - - -	XII.	II.
Catamarans, the employment of, in the Madras Roads. <i>See</i> Boats.		
Commissions to be issued to holders of alienated revenue within the Bombay Presidency, for facilitating the collection thereof. Schedule (A.) - - - - -	XIII.	
Commissioners of revenue under the Bombay Presidency; numbers and powers of. <i>See</i> Revenue Commissioners.		
Conveyance, a release shall be as effectual for the, of freehold estates as a lease and release by the same parties. <i>See</i> Statute.		
Coolies, emigration of, to the Mauritius. <i>See</i> Emigration.		
Courts of the highest civil and criminal jurisdiction in all the presidencies, how to be in future described in a general term in legislative enactments. <i>See</i> Sudder Court.		
Criminal cases, preliminary investigation of, for collection of revenue within the Bombay Presidency. <i>See</i> Revenue Commissioners.		
D.		
Debts owing by persons, subject to Military Courts of Requests, not recoverable by traders of military cantonments, unless such traders shall have been registered as military bazaarmen at the time of the contract of the debts - - - - -	XII.	I.
Deshoor, village of, held in Inam under the Bombay Government, made subject to Regulations - - - - -	VI.	
E.		
Emigration of Natives of the Company's territories to the Mauritius allowed under order of Her Majesty's Privy Council (recited in this Act); Act No. XIV. of 1839 of the Government of India repealed, except as it relates to ports other than those mentioned, and to emigrants proceeding to other places than the Mauritius - - - - -	XV.	I.
— emigrants may be conveyed to the Mauritius from the ports of Calcutta, Madras, and Bombay - - - - -	"	II.

	ACT.	SECTION.
Emigration; governments of the several presidencies may authorize persons nominated by the Mauritius Government to act as emigration agents, who shall make monthly reports of all matters to the government to which he is subordinate -	XV.	III.
emigrants shall not be conveyed without a licence from government; what fee to be levied per emigrant. Masters of ships carrying emigrants how to be bound over; what penalty to be imposed for conveying emigrants without a licence -	"	IV
no licensed vessels shall receive on board emigrants without a pass from the emigration agent -	"	V.
a certificate from the agent, containing certain particulars, necessary before the clearing out of ships carrying emigrants -	"	VI.
probable lengths of voyage of ships from the ports of Calcutta, Madras, and Bombay to the Mauritius -	"	VII.
masters of ships to deliver, before clearing out, to the agent a list of the kind indicated, and to obtain a duplicate thereof -	"	VIII.
masters clearing their ships without complying with the particulars before mentioned shall be liable to what punishment -	"	IX.
masters of ships taking on board, after clearance, emigrants whose names are not entered in the lists aforesaid, how to be punished -	"	X.
masters of ships cleared for the Mauritius, committing acts by which the certificate obtained by them becomes inapplicable to the altered state of the ship or passengers or other matters, shall be punishable by a penalty laid down -	"	XI.
powers vested by law in officers of customs to be exercised by them for the prevention of illegal embarkation of emigrants and other offences. Pilots invested with the same powers as preventive officers of customs in this behalf -	"	XII.
Emigration of Natives; attempts by intoxication, false imprisonment, or other means of crimping to export natives, how to be punished -	"	XIII.
duties required of the preventive officer of customs and pilot on board vessels cleared for the Mauritius, in order to prevent additional emigrants being conveyed in them. Customs' officers and pilots making improper reports, or conniving at the unauthorized embarkation of emigrants, how to be punished -	"	XIV.
forgery of documents required by this Act how to be punished -	"	XV.
penalties how to be enforced from masters of ships -	"	XVI.
G.		
Governor-general may exercise powers of the Governor-general in Council during his absence from Calcutta, except as regards making laws and regulations -	II.	I.
Act when to take effect -	"	II.
H.		
Harbour Regulations of Madras amended -	IV.	
I.		
Inamdars holding alienated lands within the Bombay Presidency, vested with increased powers to collect their revenue. See Jageerdars.		
Intoxicating drugs, sale of, in Calcutta regulated. See Opium -	I.	
J.		
Jageerdars of alienated lands within the Bombay Presidency vested with increased powers under a commission from the Governor in Council for collecting the revenue thereof -	XIII.	I.
commissions shall be granted or withheld at the pleasure of government, and may be issued to the agents of the holder of revenue as well as to himself -	"	II.
the holder of the commission may demand security for the payment of the revenue, and, if it be not furnished, may act under Sec. XI. Regulation XVII. of 1827, Bombay Code -	XIII.	III.
the holder of the commission may send mohussuls on defaulters under c. 2, 3 and 5, Sec. XII. Reg. XVII. of 1827, Bombay Code, and the mohussulle when to cease -	"	IV.
the holder of the commission to report to the collector on attaching the property of defaulters, and how shall the collector act if the demand appear just -	"	V.
compulsory process to cease for what consideration. Suits, of what descriptions, concerning such landholders, are to be tried before collectors and their assistants. What shall be the penalty for enforcing processes after tender of security -	"	VI.

(continued)

	ACT.	SECTION.
Jageerdars; damages declared for demanding a rate of revenue in excess of that fixed by the Government, or the usual rate, as declared by the local revenue officers of the village or pergunnah; holders of alienated lands, how to enable themselves to reassess lands paying less than the full jumma	XIII.	VII.
the commission to extend to the revenue of the current and preceding season	"	VIII.
L.		
Labourers allowed to emigrate to the Mauritius from the Presidencies of Fort William, Madras and Bombay. <i>See</i> Emigration.		
Lands, the collection of revenue on, alienated to jageerdars facilitated within the Bombay Presidency. <i>See</i> Jageerdars.		
Lease for a year for giving effect to release of freehold estates, dispensed with. <i>See</i> Statute	IX.	I.
Leases, grant of, by Zemindars regulated as to period and fixture of rent, in modification of Sections II. and III. Regulation XIV. of 1812 of the Bengal Code	XVI.	
M.		
Madras harbour regulations amended	IV.	
marine police regulation, Sections III. IV. VII. VIII. IX. and X. repealed	"	XX.
Mauritius, natives of the Company's territories allowed to emigrate to, from the ports of Calcutta, Madras and Bombay. <i>See</i> Emigrants	XV.	
Military Bazaars, no trader in military cantonments shall be allowed to recover any debts in Military Court of Requests for native troops from persons subject to such courts, unless such trader shall have been registered as a military bazaar-man at the time of contracting the debt	XII.	I.
Municipal Law for places of public resort or residence under the Presidency of Fort William, not within Calcutta	X.	
two-thirds of the householders of any town, &c. &c., may be authorized to make better provision for local purposes connected with public health and convenience	"	"
Government may authorize persons from among the inhabitants, whose names may be presented, to form into a committee for effecting the local objects applied for	"	II.
Committee may make assessments at rates necessary for effecting the objects, and appoint servants, as may be requisite; rates of assessment limited, and liability of the committee defined	"	III.
Government may prescribe rules for every committee for the security of funds, remove any member of such committee when the trust is in danger, and appoint a member in the room of the one removed, if none be nominated by the committee within a month	"	IV.
period fixed for the committee to render accounts of receipts and expenditures in manner and forms prescribed by the local government	"	V.
magistrates or justices of the peace shall exercise the powers for levying rates from defaulters, as specified by Act II. of 1839	"	VI.
rates shall not be invalidated for default of form. Identification of property assessed declared sufficient, and specification of names of owners or occupiers unnecessary in the recovery of rates by the sale of property under warrant	"	VII.
Government may dissolve committee and appoint persons to report upon the conduct of such committee or any members thereof	"	VIII.
N.		
Nepanee Jageer, certain villages belonging to, annexed to the British territories under the Bombay Presidency	VI.	
Nuisances in the towns and islands of Bombay and Colaba how to be prevented	XIV.	
no offensive matter to be deposited on open space of ground contiguous to public thoroughfares	"	I.
Court of Petty Sessions may order the owner or occupier of such open space to inclose the same, and in default cause such inclosure to be made out of the Municipal Fund. The defaulter to be liable to what penalty in such case	"	II.
what steps to be taken for the conveyance of wastage, water, filth, and other offensive matter, creating a public nuisance, and proceeding from houses or premises	"	III.
privies in houses, how to be shut out from public view	"	IV.

	ACT.	SECTION.
Nuisances; every privy, sink, drain, water-courses, compound, yard, lane or passage adjoining or belonging to houses to be kept clean to prevent their being a public nuisance - - - - -	XIV.	V.
— deposit of filth or rubbish on the roof or weather-boards of buildings prohibited, as also suspension therefrom of things projecting over streets. Provision made for bathing and washing clothes in public tanks and wells - - - - -	"	VI.
— court of petty sessions may require persons keeping brothels or lodging-houses for prostitutes in public roads to shut up the same or remove the tenants - - - - -	"	VII.
— court of petty sessions may grant licences for coffee-shop, eating-house, or any place of public resort, other than a licensed tavern or spirit-shop - - - - -	"	VIII.
— offences against this Act how to be disposed of by the court of petty sessions - - - - -	"	IX.
— fines imposed under this Act how disposable - - - - -	"	X.
O.		
Opium, sale of, in Calcutta to be regulated by laws and regulations concerning the sale of spirituous liquors in the said town - - - - -	I.	
P.		
Public health and convenience of inhabitants in towns and other places of public resort not within Calcutta, provided for. See Municipal Law - - - - -	X.	
R.		
Regulations for the harbour of Madras amended - - - - -	IV.	
Regulations, called Marine Police of Madras. Secs. III. IV. VII. VIII. IX. and X. repealed - - - - -	"	XX
Regulation XXIX. of 1827 and Regulation VII. of 1830 of the Bombay Code, parts of, as relate to certain villages, rescinded - - - - -	VI.	
— XIX. 1797, Sec. V. of the Bengal Code relating to fees for translations of proceedings, repealed - - - - -	VII.	
— IV. 1803, Sec. XXXIII., ditto, ditto - - - - -	"	
— XIV. of 1812, Sec. II. and III. of the Bengal Code modified. See Leases - - - - -	XVI.	
— V. of 1830 of the Bombay Code, parts of, as relate to the appointment of one revenue commissioner and to the exclusion of the Southern Mahratta country from his jurisdiction, repealed - - - - -	XVII.	I.
Release for the conveyance of freehold estates made as effectual as a lease and release by the same parties. See Statute - - - - -	IX.	I.
Revenue, collection of, alienated within the Bombay Presidency to jag-eerdars and others facilitated. See Jageerdars.		
Revenue Commissioners; one or more may be appointed for the Bombay Presidency, and vested with powers under Regulation V. of 1830 - - - - -	XVII.	II.
— each to have such number of deputies and assistants as the Governor in Council may appoint - - - - -	"	III.
— or their assistants within the Bombay Presidency may exercise the powers of collector and magistrate of any zillah in matters of collection of revenue and conduct of revenue officers, except that they shall not pass sentence of punishment, but forward the accused to the magistrate for trial or committal - - - - -	XVIII.	I.
— or a collector of revenue or his assistant or a sub-collector may delegate to native servants of their establishments, and of certain grades, powers of preliminary investigations. Their proceedings to whom to be sent for revision, and after revision cases how to be disposed of - - - - -	"	II.
— magistrates may continue making preliminary inquiries in the above cases - - - - -	"	III.
Rules for the better management of boats and catamarans employed in the Madras Roads. See Boats and Catamarans.		
S.		
Sattara State, certain villages acquired by exchange from the - - - - -	VI.	
Spirituous Liquors; fee, tax or duty how to be demanded by officers granting licences under Act XVIII. of 1840 for the sale of, in Bombay and Colaba, and how to be made payable - - - - -	V.	I.
— non-payment of the fee, tax or duty will subject the licence to be withheld or recalled; persons shall be liable to what penalties for selling liquors whilst the licence shall be withheld - - - - -	"	II.
Statute Ch. XXI. 4th and 5th Victoria for rendering a release as effectual for the conveyance of freehold estates as a lease and release by the same parties, extended to the E. I. Company's territories - - - - -	IX.	I.

(continued)

	ACT.	SECTION.
Stealing goods not exceeding in value Rs. 20 from places or persons of the nature and description mentioned, to be punished under Act XXI. of 1839 - - - - -	III.	I.
Sudder Court; powers vested in the court of Sudder Dewanny Adawlut by Acts XIX. and XX. of 1841, made applicable to the courts of the highest civil jurisdiction in the Madras and Bombay Presidencies, and the term Sudder Courts generalized for all the Presidencies in describing courts of the highest civil and criminal jurisdiction - -	VIII.	
Sugar, foreign, Acts XXXII. of 1836 and XV. of 1839, prohibiting the landing of, within the Presidency of Fort William or Fort St. George, made applicable to such sugar otherwise imported - -	XI.	
Surinjamdars holding alienated lands within the Bombay Presidency, vested with increased powers to collect their revenue. <i>See</i> Jageerdar.		
T.		
Thefts, Act No XXI. of 1839, extended to certain cases of petty - -	III.	I.
Translations, rate of payment for, of proceedings for the use of civil courts modified, and Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803 of the Bengal code relating thereto repealed - - -	VII.	I.
V.		
Villages, certain, belonging to the Napanee Jageer, and others acquired by exchange from the Sattara State, annexed to the British territories under the Bombay Government - - - - -	VI.	
Village of Deshoor brought under regulations. <i>See</i> Deshoor.		

EAST INDIA.

**COPY of the ACTS passed by the Right Hon.
The GOVERNOR-GENERAL of India in Council,
for 1841 and 1842; with INDEX**

(Presented pursuant to Act of Parliament.)

*Ordered, by The House of Commons, to be Printed. **
5 June 1844.

EAST INDIA.

ACTS passed by the Honourable the *PRESIDENT* of the *COUNCIL* of *India*, and
by the Right Honourable the *GOVERNOR-GENERAL*, in *COUNCIL*, for 1843 ;
with *INDEX*.—(Pursuant to Act.)

East India House, }
1845.

JAMES C. MELVILL.

Ordered, by The House of Commons, to be Printed, 28 May 1845.

ACTS of the Government of India; 1843.

ACT No. 1. of 1843.

Passed by the Honourable the President of the Council of India in Council on the 27th of January 1843, with the Assent of the Right Honourable the Governor-General of India. ACTS of 1843.

AN Act for amending the Law concerning the Registration of written Conveyances and other Instruments affecting Titles and other Interests to Land.

WHEREAS the Registry Laws now in force in the respective Mofussils of Bengal, Madras and Bombay provide that registered conveyances and other instruments affecting titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments: And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases: And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the courts has been occupied with such investigations: And whereas in consequence of forgeries, perjuries, fraudulent concealments and other practices, no person purchasing or advancing money on the security of land can safely rely on the conveyances or other instruments affecting the title to such land or other interest, therein affording, by means of their being registered, a security against conveyances or instruments being set up, as of previous date, by unregistered claimants;

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same, authorized by those Codes respectively, to be registered, shall, so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding: Provided always, that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

ACTS of 1843.

ACT No. II. OF 1843.

Passed by the Honourable the President of the Council of India in Council, on the 1st of February 1843, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to regulate the Sittings of the Courts of Sudder Dewanny Adawlut.

I. It is hereby enacted, in modification of section 16, Regulation XXV. 1814, that when a single judge of the Sudder Dewanny Adawlut, trying a case in appeal, regular or special, from any subordinate court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other judges of the court to sit with him, and that the appeal shall be then heard by the three judges sitting together, and be decided by them without any additional voices. In such cases the decree or final order shall be signed by the three judges, if they agree together; but if one of them dissent from the view taken by the majority, by the two judges who agree together, and the signature of the third judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single judge of the Sudder Dewanny Adawlut, under clause 2, section 2, Regulation IX. 1831.

 ACT No. III. OF 1843.

Passed by the Honourable the President of the Council of India in Council on the 1st of February 1843, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for amending the Rules of Special Appeals.

I. It is hereby enacted, that from and after the 1st day of May next, a special appeal shall lie to the courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the court of Sudder Adawlut at Madras, and to the court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular appeals in the civil courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the courts, or shall involve some question of law, usage or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for special appeals shall not be admitted unless they are presented to the proper court as aforesaid within the period limited for the presentation of regular appeals.

III. And it is hereby enacted, that every application for a special appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV. And it is hereby enacted, that every application for a special appeal, duly presented to the proper court as aforesaid, shall be heard by a single judge of the court in the presence of the special appellant or his vakeel or agent, and it shall be competent to the judge, at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that if it shall appear to the judge that a special appeal is admissible under this Act, he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing, in English, in the form of a certificate, which shall be translated into the vernacular language in use in the court, and the special appeal shall then be brought on the file of the court, to be heard and determined in due course: Provided, that it shall not be necessary to call for or refer to any part of the proceedings the
reading

reading of which is not required for deciding the point or points of law stated in the certificate.

ACTS of 1843.

VI. And it is hereby enacted, that if it shall appear to the judge that a special appeal is not admissible under this Act, he shall reject the petition, and his order so rejecting a petition for a special appeal shall be final.

VII. And it is hereby enacted, that in every case of special appeal admitted as aforesaid, the court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

VIII. Provided, that when the special ground of appeal may have been incorrectly or incompletely certified, it shall be competent to the court to amend the certificate: Provided, that such amendment shall relate only to the point or points originally stated in the certificate, and it shall not be lawful for the court to receive or add any new point or points.

IX. And it is hereby declared, that the existing laws and regulations of the Presidencies of Bengal, Madras and Bombay relating to special appeals, shall continue in force, so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or special appeals which shall have been admitted and be pending in appeal before the said 1st day of May next, and that all such second or special appeals shall be heard and decided in the same manner as if this Act had not passed.

ACT No. IV. of 1843.

Passed by the Honourable the President of the Council of India in Council on the 24th of March 1843, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 Geo. 3, c. 155.

Whereas, in many cases provided by law, offences may be prosecuted before magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such magistrates may take cognizance of either in their magisterial capacity under the regulations, or as justices of the peace: And whereas the appeal from convictions before magistrates acting in their magisterial capacities, and from the like convictions before justices of the peace are subject to different rules: And whereas in all cases of convictions before justices of the peace in the Mofussil, and before magistrates exercising jurisdiction under the provisions of Statute 53 Geo. 3, c. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to appeals requires amendment;

I. It is hereby enacted, that an appeal shall lie from all sentences passed by any justice of the peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any magistrate upon convictions had before him, exercising such jurisdiction as aforesaid, to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by magistrates in the exercise of their ordinary jurisdiction; and cases so made the subject of appeal shall not be afterwards liable to revision by means of a writ of certiorari.

II. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a writ of certiorari, in any other case than where there has been such appeal as aforesaid.

ACTS of 1843.

ACT No. V. OF 1843.

Passed by the Honourable the President of the Council of India in Council on the 7th of April 1843, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.

I. It is hereby enacted and declared, that no public officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of rent or revenue, sell or cause to be sold any person, or the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave, shall be enforced by any civil or criminal court or magistrate within the territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest, shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person, or that the person from whom the property may have been derived, was a slave.

IV. And it is hereby enacted, that any Act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

 ACT No. VI. OF 1843.

Passed by the Honourable the President of the Council of India in Council, on the 21st of April 1843, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for amending the Law concerning the Jurisdiction and Procedure of the Courts of Ameens and Moonsiffs.

I. In modification of clause 4, section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all original suits referred to them by the judge, the principal sudder ameens shall be guided by the rules established for the conduct of business in the courts of the zillah and city judges.

II. And it is hereby enacted, that the provisions of section 4, Act No. XXV. of 1837, in respect to appeals from decisions passed by principal sudder ameens, in suits of the nature specified therein, be extended to all interlocutory orders passed by those officers in such suits.

III. And it is hereby enacted, that such parts of Regulation XXIII. 1814, as prohibit the sudder ameens and moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the zillah judge, be repealed.

IV. And it is hereby enacted, that it shall be competent to the sudder ameens and moonsiffs to demand security from the defendant, under the provisions of sections 4 & 5, Regulation II. 1806, in cases pending before them; and also to proceed, without reference to the zillah judge, to the realization of fines imposed by them, provided that all orders passed by the sudder ameens and moonsiffs under this section, be subject to an appeal to the zillah judge.

V. And it is hereby enacted, in modification of section 22, Regulation V. of 1831, that decrees passed in the courts of the judges or principal sudder ameens

ameens, in cases of appeal from the decisions of the sudder ameens or moonsiffs, shall be executed by the courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those courts; applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the judge or principal sudder ameen to the court of original jurisdiction. In appeals from the orders of the moonsiff or sudder ameen, in such cases the decision of the zillah or city judge shall be final. ACTS of 1843.

VI. And it is hereby enacted, that clause 2, section 13, Regulation XXIII. 1814, and clause 4, section 5, Regulation V. 1831, be repealed.

VII. And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever, exempted from the jurisdiction of the courts of the moonsiffs, in the territories subject to the Presidency of Fort William in Bengal.

VIII. And it is hereby enacted, that persons invested with the powers of moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in clauses 1, 2 and 3, section 5, Regulation V. 1831: Provided, however, that no moonsiff shall try any suit in which he himself, or any of his relatives or dependents, or any of the vakeels or officers of his court shall be a party.

IX. And it is hereby enacted, that in cases where, by reason of the above section, a moonsiff cannot try a suit, because he himself, or any of his relatives or dependents, or any of the vakeels or officers of his court is a party to the suit, it shall nevertheless be competent to the moonsiff to receive the suit, and forward it to the judge of the zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other moonsiff of the district.

ACT No. VII. OF 1843.

Passed by the Honourable the President of the Council of India in Council on the 28th of April 1843, with the Assent of the Right honourable the Governor-General of India.

AN ACT for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their Functions; for establishing Courts constituted according to Regulations I. and II., and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil Jurisdiction of such Courts.

I. It is hereby enacted, that the Governor in Council of Fort St. George be empowered by an Order in Council to abolish the provincial courts of appeal and circuit, and the civil and criminal zillah courts, now existing in that presidency, and to establish new zillah courts to perform the civil and criminal functions now performed by the said provincial courts, and to replace the existing civil and criminal zillah courts by courts constituted according to Regulations I. and II. of 1827, or Regulations VII. and VIII. of 1827, at his discretion.

II. And it is hereby enacted, that every zillah court established under this Act shall be superintended by one judge, who shall be styled Civil and Session Judge of the Zillah.

III. And it is hereby enacted, that the zillah courts established under this Act shall exercise, within the limits assigned to them respectively by the Order in Council by which they are constituted, the same civil jurisdiction as is now exercised by the provincial courts of appeal, except the original jurisdiction vested in those courts in suits for an amount or value less than 10,000 Company's rupees, and shall be vested with the same authority, and shall be subject to the same Civil Jurisdiction.

ACTS of 1843. same rules and restrictions as such provincial courts of appeal, except as hereinafter mentioned.

IV. And it is hereby enacted, that the original jurisdiction vested in the provincial courts of appeal in suits for an amount or value less than 10,000 Company's rupees, shall be transferred to the subordinate zillah courts, constituted according to Regulations I. and VII. of 1827.

V. And it is hereby enacted, that section 7 Regulation VII. of 1827 be rescinded.

VI. And it is hereby enacted, that in every zillah in which there is a subordinate court constituted according to Regulation VII. of 1827, the zillah court shall take cognizance of the appeals which by section VIII. of that Regulation are reserved from the jurisdiction of such court.

VII. 1st. And it is hereby enacted, in modification of section 9, Regulation VII. of 1827, that in all cases in which a principal sudder ameen has occasion to call upon a collector, subordinate collector or assistant collector, or other European officer of government, to do any thing in any matter before his court, he shall transmit to such officer an extract from the proceedings of the court, containing a brief abstract of the case, and specifying what is required to be done by him, with a request that he will comply therewith, and that he will return an answer stating what he has done within a certain time, and such officer shall comply with the requisition so conveyed to him in the same manner as if it had been accompanied by a precept from the zillah judge.

2d. Provided, That if such officer does not comply with such requisition, the principal sudder ameen shall report the case to the zillah judge, who shall proceed thereon as if the requisition had been made by a precept from himself.

VIII. 1st. And it is hereby enacted, that appeals shall lie to the zillah court from all decrees or orders of subordinate civil courts constituted according to Regulations I. and VII. of 1827, and of sudder ameens and district moonsiffs in cases in which appeals are now allowable; but such appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

2d. Provided, that whenever a court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any zillah at a place remote from the station of the zillah court, the Sudder Adawlut, with the sanction of the Governor in Council, may order appeals from the decisions and orders of district moonsiffs stationed within the limits assigned to such court, to be preferred to such court; but it shall be competent to the zillah judge, at his discretion, to call up to his own court, from time to time, appeals received by any such court, and to dispose of them himself.

3d. Provided also, that the judge of any zillah court may refer to any subordinate judge or principal sudder ameen in the zillah, any appeals from district moonsiffs which may be filed in the zillah court.

4th. Provided also, that if any such appeal from a decision or order of a district moonsiff, which may have been, under this section, referred for decision, or preferred in the first instance, to a subordinate judge or principal sudder ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a summary appeal from it to the judge of the zillah, and it shall be the duty of the said zillah judge to hold such proceeding on such summary appeal as he may consider proper; and, having satisfied himself that the order dismissing the appeal has been passed without sufficient cause being shown for such dismissal, it shall be competent for such zillah judge to issue his precept to the court by which the appeal may have been dismissed, requiring that the appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

IX. And it is hereby enacted, that appeals, regular and summary, from decisions and orders of the zillah courts, shall lie to the Sudder Adawlut, under the same rules and restrictions as are applicable to similar appeals to the Sudder Adawlut from the provincial courts of appeal.

X. 1st.

X. 1st. And it is hereby enacted, that it shall be competent to a single judge of the Sudder Adawlut to hold a sitting of court on all matters within the cognizance of that court, and to pass orders or judgments in conformity to the regulations, subject to the following provisions :—

2d. On the hearing of any appeal from the decision or order of any court of inferior jurisdiction, in any case, regular or miscellaneous, if a single judge of the Sudder Adawlut shall be of opinion that no sufficient ground has been shown to impugn the correctness or justness of such decision or order, it shall be competent to such single judge, without reference to the order of the file, to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require, and to communicate the order of confirmation through the court from whose judgment the appeal was made, to the opposite party, with a view to enable such party so take immediate measures for the execution of the decree. On the other hand, if a single judge shall be of opinion that the decision or order appealed against ought to be altered or reversed, as being manifestly unjust or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan law or other law applicable to the case, or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous, or irrelevant with reference to the points at issue, it shall likewise be competent to a single judge to issue an injunction pointing out the irregularity, illegality or other defect apparent in the proceedings, decision or order appealed against, and requiring that the court by which the same may have been held or passed shall revise the case, and proceed thereon in such manner as may appear conformable to justice and to the regulations.

3d. A single judge of the Sudder Adawlut, may exercise his discretion in calling for the proceedings of the lower courts, or such parts of them as may appear necessary, and may further order a report in English, or in the vernacular language commonly used in the court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in appeal.

4th. It shall further be competent to a single judge to direct, that the execution of any judgment or order passed by an inferior court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

XI. And it is hereby enacted, that the provisions of clause 2 of the foregoing section, shall be applicable to the judges of zillah courts, and to subordinate judges and principal sudder ameens.

XII. And it is hereby enacted, that any provisions of the existing regulations which require inferior courts to furnish the Sudder Adawlut with translations of papers written in the vernacular languages of the country, which they may transmit to that court in appeals and other cases, be rescinded.

XIII. And it is hereby enacted, in modification of sections 13 and 14, Regulation V. of 1802, that all processes and orders, therein described, which may issue from the Sudder Adawlut, shall be directed to the zillah courts established under this Act.

XIV. And it is hereby enacted, that it shall be competent to the judges of the zillah courts to refer the execution of decrees of the Sudder Adawlut, and of their own courts, to the subordinate judges or principal sudder ameens of their zillahs respectively, who shall proceed therein under the rules prescribed in the general Regulations applicable to such cases : Provided that an appeal shall lie from any order passed by a subordinate judge or principal sudder ameen, under such reference to the zillah court in the first instance ; and secondly, a special appeal to the Sudder Adawlut.

XV. And it is hereby enacted, that all other processes issued by the Sudder Adawlut, and directed to the zillah court, or originating in the zillah court, shall be served under the orders of the zillah judge by the proper officers of the court.

XVI. And it is hereby enacted, in modification of section 6, Regulation III. 1833, that the power of suspending sudder ameens from office, thereby vested

ACTS of 1843.

in the zillah, assistant and native judges, shall for the future be invested in the judges of the zillah courts established under this Act.

XVII. 1st. And it is hereby enacted, that all parts of Regulations VI. and VII. 1816, in which the zillah judge is mentioned, shall be understood as applicable to the judges of the zillah courts established under this Act, excepting section 56, Regulation VI. 1816, which shall be applicable to the subordinate judges and principal sudder ameens, as extended by section 5, Regulation III. of 1833. And all parts of Regulation VI. of 1816, in which the provincial court is mentioned, shall be understood as applicable to the Sudder Adawlut.

2d. Provided, that district moonsiffs may be employed by subordinate judges and principal sudder ameens, as well as by judges of zillah courts, in the manner and for the purposes specified in sections 59 and 61, Regulation VI. 1816.

XVIII. And it is hereby enacted, that when a zillah judge sees reasons for calling up, under section 54, Regulation VI. 1816, any cause that may be depending before a district moonsiff, he may refer it for trial to the subordinate judge or principal sudder ameen, of the zillah, or to a sudder ameen or another district moonsiff.

XIX. And it is hereby enacted, that when a district moonsiff shall forward to a zillah judge under clause 2, section 3, Regulation I. 1829, a suit instituted in his court, in which he is directly or indirectly a party, or otherwise personally interested, the judge may refer it for trial either to a sudder ameen or another district moonsiff.

XX. And it is hereby enacted, that the judges of zillah courts may refer to the subordinate judges and principal sudder ameens, applications for the executions of decisions of district punchayets preferred under section 17, Regulation VII. 1816.

XXI. And it is hereby enacted, that it shall be competent to judges of zillah courts to pass orders of their own authority on complaints preferred under section 11, Regulation VII. 1816, according to clause 4 thereof.

XXII. And it is hereby enacted, that the zillah judge shall be competent to receive and pass orders of his own authority, on complaints preferred under section 27, Regulation VII. 1832.

XXIII. And it is hereby enacted, that civil actions and criminal prosecutions under clauses 1 and 2, section 8, Regulation VI. 1816, with respect to district moonsiffs; and as extended by section 13, Regulation VIII. 1816, with respect to sudder ameens, shall be brought before the zillah courts established under this Act.

XXIV. And it is hereby enacted, that section 3, Regulation VIII. 1816, be rescinded.

XXV. And it is hereby enacted, in modification of section 14, Regulation VIII. 1816, that sudder ameens shall have authority to order execution of the decisions passed by them, according to the rules for the execution of decrees applicable to the courts to which they are attached, and to issue all process relative to the causes and proceedings before them under their own official seal and signature, and to realize fines imposed by them without reference to any superior officer.

Criminal Jurisdiction.

XXVI. And it is hereby enacted, that the judges of the zillah courts established under this Act, shall exercise within the limits assigned to those courts respectively, the same criminal jurisdiction as is now exercised by the judges of the courts of circuit, and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

XXVII. And it is hereby enacted, that the said judges shall hold permanent sessions in the said zillah courts for the trial of all persons accused of crimes and offences now cognizable by the courts of circuit who shall be committed for trial by the subordinate judges or principal sudder ameens of the zillahs respectively.

XXVIII. And

XXVIII. And it is hereby enacted, that section 2, Regulation XIII. 1832, be rescinded. ACTS of 1843.

XXIX. And it is hereby enacted, in modification of clauses 1 and 3, section 9, Regulation X. of 1816, that if upon a perusal of the depositions given before the magistrate, or any competent officer of police, it shall appear to the subordinate judge or principal sudder ameen before whom a prisoner is brought charged with a crime or misdemeanor subject to the jurisdiction of the judge of the zillah court of session, that there is evidence of the prisoner being concerned in the perpetration of the crime or misdemeanor with which he is charged, and if the deponents confirm their depositions on oath before him, it shall be competent to the subordinate judge or principal sudder ameen, without further investigation, to commit the prisoner to take his trial before the session judge.

XXX. And it is hereby enacted, that the session judge shall commence the trial immediately, and shall take the examination of the prosecutor and of the witnesses for the prosecution, and the defence of the prisoner, and the examinations of the witnesses for the defence; and if more witnesses have been previously summoned and are expected to attend, or if the session judge thinks it necessary after the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses to return to their houses, unless he shall see special cause to detain them, in order to their being confronted with the other witnesses whose attendance is expected.

XXXI. And it is hereby enacted, that, except in cases in which the session judge thinks proper to proceed as authorized in section 32 of this Act, the Mahomedan law officer attached to the zillah court shall sit with the session judge for the trial of persons charged with crimes now cognizable by courts of circuit, in like manner and subject to the like regulations as are now applicable to law officers sitting with the courts of circuit.

XXXII. 1st. And it is hereby enacted, that it shall be competent to session judges, in the trial of criminal cases, to avail themselves at their discretion of the assistance of respectable natives or other persons in either of the two following ways; viz.

By constituting two or more such persons assessors or members of the court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses; the opinion of each of the assessors shall be given separately and discussed, and if any of the assessors, or the authority presiding in the court desire it, the opinions of the assessors shall be recorded in writing;

Or by employing them more nearly as a jury; they will then attend during the trial, will suggest, as it proceeds, such points of inquiry as occur to them (the court, if no objection exists, using every endeavour to procure the required information), and after consultation will deliver in their verdict; the mode of selecting the jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the judge who presides.

2d. Provided that the law officer may be one of the assessors or jury.

3d. Provided also, that the decision shall be passed by the judge according to his own opinion, whether he agrees with the assessors or jury or not, if the case be one which, under the existing regulations, it is competent to him to dispose of finally; but if he differs from the assessors or jury, his decision shall not be carried into effect unless confirmed by the Court of Fouzdaree Adawlut, to which the case shall be immediately referred.

XXXIII. And it is hereby enacted, that it shall be competent to a single judge of the Foujdaree Adawlut, on a revision of the proceedings held on any criminal trial by any court of inferior jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favour of the accused, whether for acquittal, mitigation of punishment or otherwise.

XXXIV. And it is hereby enacted, that if a single judge of the Foujdaree Adawlut, on a revision of the proceedings in a trial held by a session judge,

ACTS of 1843.

concur in opinion with the session judge, whether for conviction or acquittal, it shall be competent to such single judge to pass a final sentence, except for capital punishment, which, as heretofore, shall in all cases require the concurrent opinion of two judges of the court.

XXXV. And it is hereby enacted, that it shall be competent to the Court of Foujdaree Adawlut, on a review of the abstract statements of prisoners punished without reference, to mitigate the sentence passed on any prisoner when such sentence may appear, on the session judge's own showing of the facts, manifestly illegal or too severe, and it shall not be necessary for the court to call for the proceedings in such cases, unless they shall see special reasons for so doing; it shall further be competent to the court in like manner to annul the sentence passed in any case when such sentence may be in opposition to any law or regulation in force, and to require the session judge to pass a new sentence according to law.

XXXVI. And it is hereby enacted, in modification of section 2, Regulation III. 1833, that the authority to overrule judgments passed by sudder ameens in criminal cases shall be vested in the session judges.

XXXVII. And it is hereby enacted, that section 24, Regulation X. 1816, clauses 2 and 3, section 4, Regulation II. 1822, clause 2, section 5, and clauses 2 and 4, section 8, Regulation VI. 1827, shall be applicable to session judges, instead of judges of circuit.

XXXVIII. And it is hereby enacted, that prosecutions against magistrates and their assistants under section 43, Regulation IX. 1816, shall be instituted in the zillah courts established under this Act.

XXXIX. 1st. And it is hereby enacted, in modification of section 3, Regulation XIII. 1832, that it shall be the duty of the session judge to bring to the notice of the Foujdaree Adawlut any gross misconduct of any native officer of police which may have come under his observation in a case investigated by himself, or which may have been reported to him by a subordinate judge or principal sudder ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent to the Foujdaree Adawlut to order the dismissal of such officer.

2d. Provided, that the session judge shall furnish a copy of his report upon the case to the magistrate, and the Foujdaree Adawlut shall not pass a final order upon it until the answer of the magistrate, which shall be addressed to that court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the sessions judge to bring to the notice of the magistrate any minor neglects or omissions, or transgressions of the subordinate officers of police which have come under his own observations, or have been reported to him by a subordinate judge or principal sudder ameen, and such notification shall be recorded in the periodical returns to the Foujdaree Adawlut.

XLI. And it is hereby enacted, that it shall be competent to the session judge to report to the Foujdaree Adawlut any neglect or delay on the part of the magistrate or the subordinate officers of the magistracy, by which the course of justice has been seriously impeded in cases before himself, or which have been reported to him by a subordinate judge or principal sudder ameen.

XLII. And it is hereby enacted, that it shall be competent to the session judges, subordinate judges and principal sudder ameens, to communicate directly with the district officers of police for the purpose of obtaining all the evidence that appears to be forthcoming in cases in which prisoners have been forwarded by them charged with crimes and misdemeanors, section 55, Regulation XI. 1816, notwithstanding.

XLIII. And it is hereby enacted, that, except as provided in section 47 of this Act, Europeans and Americans charged with offences not punishable by the magistraté, committed within the local jurisdiction of a principal sudder ameen, shall be sent for trial to the session judge, who shall proceed thereon in conformity with the rules applicable to his own court, or to courts constituted according to Regulation II. of 1827, as the case may require.

XLIV. And

XLIV. And it is hereby enacted, that in any zillah, in which the Governor in Council of Fort St. George deems it expedient to establish the zillah court, and the court or courts under subordinate judges or principal sudder ameen, at separate stations, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the session judge to take cognizance of all criminal cases subject ordinarily to the jurisdiction of the subordinate courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the magistrate or officers of police of such talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

XLV. And it is hereby enacted, that in any zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a subordinate civil and criminal court, constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the civil and session judge to exercise the civil and criminal jurisdiction assigned to such courts, besides the proper civil and criminal jurisdiction of the zillah court, and to take cognizance immediately of criminal cases, within his proper jurisdiction as session judge, as they are sent up by the police and magistracy.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such zillah, a court under a sudder ameen, at a detached station, it shall be competent to the Governor in Council to authorize the sudder ameen to receive and dispose of civil suits arising in the portion of the zillah over which jurisdiction shall be assigned to him, without the intervention of the zillah judge, under the limitation as to amount or value prescribed by the existing regulations; and also to receive and dispose of criminal cases sent to him by the police and magistracy of the division subject to his jurisdiction, for which the punishment prescribed shall not exceed the limitation specified in section 7, Regulation X. of 1816.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a court under a European principal sudder ameen at Cochin, such principal sudder ameen shall exercise within the jurisdiction assigned to him all the powers of a criminal court constituted according to Regulation II. of 1827, and also all the powers of a joint magistrate.

XLVIII. And it is hereby enacted, that when the subordinate criminal court at the station of a zillah court is constituted according to Regulation VIII. of 1827, the zillah gaol shall be under the charge of the session judge.

XLIX. And it is hereby enacted, that when the subordinate criminal court at the station of the zillah court is constituted according to Regulation II. of 1827, the zillah gaol shall be under the charge of the judge of the subordinate criminal court, and the session judge shall be vested with authority to visit the gaol, and to pass orders according to section 32, Regulation VII. of 1802, and section 7, Regulation X. 1832.

L. And it is hereby enacted, that the subordinate officers and vakeels, who shall be appointed to the zillah courts established under this Act, shall be subject to the same rules as are applicable to the subordinate officers and vakeels of the provincial courts of appeal.

LI. And it is hereby enacted, that the Governor in Council of Fort St. George shall direct what law officers shall be appointed to the zillah courts established under this Act, and shall order the manner of their appointment, and such officers shall be subject to the same rules as the law officers of the provincial courts of appeal.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an assistant judge to any zillah court, to whom the judge shall have authority to refer any appeals which may be depending before him, excepting appeals from the subordinate courts constituted according to Regulation I. or Regulation VII. of 1827, and such assistant judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the judge.

LIII. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, by an order in Council, to authorize the Governor in Council

ACTS of 1843.

of Fort St. George at any time to change the stations of zillah courts and the limits of their local jurisdiction, and to abolish any of the zillah courts which shall be first established under this Act, and to establish new zillah courts in any parts of the Presidency of Fort St. George.

LIV. 1st. And whereas it is deemed expedient to extend the powers vested in magistrates by Regulation IX. of 1816 ;

It is hereby enacted, that the magistrates be authorized to exercise the powers vested in criminal judges by section 7, Regulation X. of 1816, concurrently with the subordinate criminal courts :

2d. Provided, that in all cases in which magistrates shall exercise the additional powers hereby vested in them, the form of procedure shall be the same as is required to be observed in the subordinate criminal courts in similar cases, and the same record shall be kept of the trial.

LV. And it is hereby enacted, that in every case in which a magistrate shall exercise such additional powers, an appeal from his sentence or order may be preferred to the session judge within one month, and it shall be competent to the session judge, upon such an appeal, to annul or alter the sentence or order, provided that he shall not increase the punishment awarded by the magistrate.

LVI. And it is hereby enacted, that all criminal cases which may be depending at the time of the abolition of the zillah and provincial courts, shall be disposed of by the courts acquiring jurisdiction over the same in virtue of this Act ; provided, however, that prisoners who may have been committed for trial by the session judge, in his former office of criminal judge or joint criminal judge, and who may object to be tried by that officer, shall be tried by the session judge of another court, or by the special commissioner of the division, or by an officer specially appointed by Government.

ACT No. VIII. of 1843.

Passed by the Honourable the President of the Council of India in Council on the 28th of April 1843, with the Assent of the Right Honourable the Governor-General of India.

AN Act for disposing of the original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

Whereas it is necessary that provision should be made for the disposal of original suits and appeals depending before the provincial courts of appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843 ;

I. It is hereby enacted, that the Governor in Council of Fort St. George be empowered to appoint a single judge to hold a court in place of each of the said provincial courts at the station of such provincial court, with a special commission to dispose of all original suits and appeals which may be depending before such court, on the date on which the said Governor in Council shall order the functions of the provincial courts to cease.

II. And it is hereby enacted, that the judges who shall be appointed for this purpose shall be styled respectively ; viz., Special Commissioner for disposing of the causes depending before the late Provincial Court for the (Northern, Southern, Centre, or Western) Division.

III. And it is hereby enacted, that every special commissioner so appointed, previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed to be taken by judges of the provincial courts of appeal, before any person who shall be commissioned by the Governor in Council of Fort St. George to administer it.

IV. And

IV. And it is hereby enacted, that the special commissioners shall transfer the original suits on the files of provincial courts, in which no proceedings have been held beyond the filing of the pleadings, and exhibits to the zillah courts within whose jurisdiction they would fall respectively if they were commenced *de novo*, and such suits shall be tried and decided by the judges of such zillah courts subject to appeal to the Sudder Adawlut.

V. 1st. And it is hereby enacted, that all other original suits, and all appeals on the file of the provincial courts, shall be tried and decided by the special commissioners, who shall have the same power as heretofore have been vested in two or more judges of such courts sitting together, subject to the same rules and restrictions, and under the same provisions for appeals to the Sudder Adawlut.

2d. Provided, that in a case of special appeal from a lower court, if a special commissioner differs from the court from whose decision the appeal is preferred, he shall not pass a final judgment reversing the decision, but shall record his opinion and transmit the record of the case to the Sudder Adawlut, to be laid before a single judge of that court, whose judgment, confirming or reversing the decree appealed against, shall be final.

VI. And it is hereby enacted, that the execution of decrees of the special commissioners, and also of the provincial courts for which process was not issued previously to their abolition, shall be committed to the judge of the zillah in which the suit was instituted, or if the suit was instituted in the provincial court, to the judge to whose jurisdiction the suit would fall if it were commenced *de novo*. The records of the cases shall be transmitted, together with the decrees, to the respective zillah judges, who shall proceed in the execution of the decrees in the same manner as if they were passed by themselves, and appeals from their orders shall lie to the Sudder Adawlut.

VII. And it is hereby enacted, that the judges of the zillah courts shall proceed in like manner to complete the execution of decrees of the provincial courts under process previously issued, subject to appeal to the Sudder Adawlut.

VIII. And it is hereby enacted, that from decisions passed by zillah judges, assistant judges, and principal sudder ameens, previously to the abolition of the provincial courts, in cases appealable to those courts, in which the time allowed for appealing shall not have expired at the date of their abolition, an appeal shall lie to the Sudder Adawlut, provided that the petition of appeal be presented to the Sudder Adawlut or to the civil judge of the zillah in which the original suit was decided, within one month from the expiration of the period within which it ought to have been presented, under the rules applicable to appeals to the provincial courts.

IX. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to authorize the appointment of ministerial officers and vakeels of the courts of the special commissioners, who shall be subject to the same rules as are applicable to the ministerial officers and vakeels of the provincial courts.

ACT No. IX. of 1843.

Passed by the Honourable the President of the Council of India in Council on the 14th June 1843, with the Assent of the Right Honourable the Governor-General of India.

For the Incorporation of a Bank at Madras.

Whereas the Honourable Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India, has directed the abolition of the present Government Bank at Madras, and, in lieu thereof, has sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass an Act of Incorporation for the same;

ACTS of 1843.

I. It is therefore hereby enacted, that from the 1st day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of incorporation specified in this Act, and with the Government of Madras on the part of the East India Company, having paid into the Government treasury the amount of capital stock subscribed by them respectively, and taken receipts for the same from the sub-treasurer to the government of Fort St. George, shall, together with the Governor in Council for the time being of the Presidency of Madras, be a corporation body, corporate and politic, by name of the Bank of Madras, with perpetual succession to them and their successors, as proprietors for the time being of the said bank, as hereinafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided, however, that it shall be lawful to the Governor-General of India in Council, at any time before the 1st of September next, to rectify any errors in the Schedule of the said proprietors, by notice in the official gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the 1st day of May last past, the shares to which such names are attached were claimable, and might be taken by the persons who, having made applications for shares which were received after the prescribed amount of capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received; and the shares which shall have so lapsed, having been tendered to such applicants in the order of such registry, according to the list given in to the Governor in Council at Fort St. George, shall be and are the property of such persons, provided they shall have, in the manner heretofore mentioned, paid up their subscriptions on or before the 20th day of May last past. And in the event of there having remained any unpaid shares, after the parties whose names had been so registered had thus had the option of completing the payments due on such shares, then such remaining unpaid shares are declared to have been at the disposal of a general meeting of the proprietors convened for that purpose: and it is hereby enacted, that the persons who shall have become the proprietors of the lapsed shares in the manner above provided, or under an appropriation made at such general meeting of proprietors by payment of the amount subscribed, shall be considered to belong, and shall to all intents and purposes belong to the corporation, body corporate and politic, by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges and immunities, the same as the persons according to the original Schedule, who shall have paid up their subscriptions on or before the 1st day of May last past. And it is hereby declared and required that, as soon after the promulgation of this Act as may be practicable, the Governor in Council at Fort St. George shall publish in the official Gazette of that Presidency a Schedule of the proprietors of the Bank of Madras, as incorporated under the provisions of this Act, and that the same shall be transmitted to be re-published in the official Gazette of Calcutta.

III. And it is hereby enacted, that the capital stock of the Bank of Madras shall be thirty lakhs of rupees, whereof three lakhs shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed; or in any Schedule corrected in the manner provided for in the 1st section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council, at Fort St. George in the official Gazette of that Presidency as required in section 2 of this Act, shall be proprietors of the shares of the said capital stock set against their names respectively.

IV. And it is hereby enacted, That it shall be in the power of the Governor-General of India in Council, from time to time, by an order duly published in the official Gazettes of Calcutta and of Madras, to authorize the said capital stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the proprietors of the said bank for the time being, and allowing to them

them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the proprietors shall subscribe and pay into the said bank the proportion of new stock to which they may respectively be entitled, and also to make such order and direction as to him the said Governor-General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for, and paid up by the proprietors in the manner and form that may be so prescribed.

V. And it is hereby enacted, that the capital stock of the bank of Madras shall be divided into shares of one thousand rupees each, which shall be numbered accordingly, and three hundred of the said shares, numbered from No. 1 to 300 shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the remainder shall be the property of the proprietors who shall have paid up the same, and no separate interest or share in the stock of the said bank, of less amount than 1,000 rupees, shall be created or held by any proprietors, and if at any time the capital of the said bank shall be increased, the new stock added thereto shall in like manner be divided into shares of 1,000 rupees each, and no proprietor shall be entitled to claim a share of such new stock of less amount than 1,000 rupees.

VI. And it is hereby enacted, that on the said 1st day of July 1843, or on some early day after that date, provided the subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the official gazette of that Presidency, that the Bank of Madras, being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act, and the said bank shall and may sue and be sued by its corporate name, and shall and may use such common seal as the directors of the said bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term, or in perpetuity, any description of property whatever, and to transfer and convey the same.

VII. And it is hereby enacted, that immediately on the opening of the said Bank of Madras, the business of the present Government Bank of Madras shall cease, and it shall proceed to wind up its affairs as soon as possible, and all cash notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras, which shall pay them on being verified by such officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a statement of the notes of the Government Bank paid by them in the course of the preceding week, and transmit the same to the Governor in Council of Madras with the Notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

IX. And it is hereby enacted, that after the delivery by the sub-treasurer at Madras, to whom all subscriptions on account of the capital of this bank will have been paid, as above provided, of the amount of capital stock to the directors of the bank, the receipt which may be granted by the sub-treasurer to the subscribers respectively shall be cancelled, and a certificate signed by three directors of the bank of Madras shall be delivered to each proprietor, and any person who is a proprietor of more than one share of the capital stock, may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

X. And it is hereby enacted, that no proprietor shall be allowed to increase his share in the capital stock of the said bank beyond the amount of 50,000 rupees, excepting on occasion of any increase being made to the capital stock of the said bank under the authority of the Governor-General in Council, in the manner prescribed in section 4 of this Act, in which case any proprietor holding stock to the full amount of 50,000 rupees, shall, notwithstanding, be entitled to subscribe to the increased capital stock in a rateable proportion; and excepting

ACTS of 1843. any addition to his interest in the said capital stock arises from succession, bequest or marriage.

XI. And it is hereby enacted, that the said share or shares of the capital stock of the said bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the proprietor or proprietors, or his or their attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such share or shares, until such endorsement shall have been registered at the bank of Madras, and such registration shall have been noted on such endorsement under the hand of an officer appointed for that purpose by the directors of the said bank.

XII. And it is hereby enacted, that the said corporate body of the Bank of Madras shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said bank, and of no other person or persons whatsoever.

XIII. And it is hereby enacted, that the business of the said bank shall be managed by nine directors, of whom three shall be appointed and be removable by the Governor in Council of Madras, and the remaining six shall be elected by the general meeting of the proprietors of the said bank, and shall be removable by vote of the majority of a general meeting of the said proprietors.

XIV. And it is hereby enacted, that the first directors of the said bank shall be such three persons as may be appointed by the Governor in Council of Madras to be directors of the bank, together with six persons of those whose names are inserted in the Schedule of proprietors published in the official Gazette of Fort St. George, in the manner prescribed by section 2 of this Act, and who, being entitled to not less than six shares, or 6,000 rupees, of the capital stock of the said bank, shall be elected at a general meeting of the persons whose names are inserted in the said Schedule, to be held at such time and place as the Governor in Council of Madras may fix by public notification in the official Gazette of that Presidency, and the election shall be made by the persons who, according to the said schedule of proprietors, may be entitled to shares of the capital stock of the bank, and the said persons shall vote at such election in person or by proxy, according to the quantity of stock respectively held by them, and the directors so appointed shall appoint officers, and take all necessary steps for opening the bank when this Act shall take effect for its incorporation; and the rotation amongst the six directors first appointed under the next preceding section, shall be established according to the number of votes; the two directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XV. And it is hereby enacted, that two of the six directors elected as provided in section 14, and to be elected by the proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a general meeting of proprietors shall be held for the election of two directors in their stead; but no director going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon, though he shall be eligible for a future election.

XVI. And it is hereby enacted, that in case of the death, resignation or absence from Madras for more than three months, or disqualification under section 17, or removal as aforesaid of any director elected as provided in section 14, or to be elected by the proprietors after the incorporation of the Bank of Madras, the directors shall call a general meeting of the proprietors, to be held within 15 days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the place, in rotation above mentioned, of the late director.

XVII. And it is hereby enacted, that no person shall be capable of serving as a director by election of the proprietors who shall not be proprietor in his own

own right unencumbered of six shares, or 6,000 rupees, of the capital stock of the Bank of Madras, or who shall be a director of any other bank issuing notes payable on demand within the town or suburbs of Madras. ACTS of 1843.

XVIII. And it is hereby enacted, that at a general meeting of the proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share of the said capital stock acquired by transfer, or purchase, or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XIX. And it is hereby enacted, that at all such general meetings the proprietors shall vote according to the following scale :

The Proprietors of

2 shares shall be entitled to	-	-	-	-	1 vote.
6 ditto	-	-	-	-	2 „
12 ditto	-	-	-	-	3 „
25 ditto	-	-	-	-	4 „

and no proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the Governor-in-Council of Madras to give a proxy in writing, signed by one of the secretaries to Government, to any person whom the Governor of Madras may appoint to attend any general meeting of the proprietors, and that the holder of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such meeting, except upon the election or removal of such directors as are elected by the said proprietors.

XXI. And it is hereby enacted, that any proprietor or proprietors entitled to vote at any general meeting may give a proxy in writing, either general or special, under his, her or their hand, or the hand of his, her, or their attorney duly authorized, to any other proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote on such matter or matters as shall be authorized by the tenor of such proxy.

XXII. And it is hereby enacted, that at the first meeting of the directors after their election, in every year, they shall choose a president from among themselves, and if the office of president shall become vacant they shall at their next meeting choose a successor for the remainder of the current year ; and that during any vacancy, or in the absence of the president, the senior director shall be vice-president for the time being, and that such president, or vice-president, shall have the casting vote in all cases of an equal division of votes at meetings, either of directors or proprietors.

XXIII. And it is hereby enacted, that the presence of at least three directors shall be necessary to form a board for the transaction of business, and the said directors shall establish a weekly rotation among themselves, so that not less than three directors may attend every meeting of directors, provided always that nothing herein contained shall be held to preclude any director from attending any meeting of directors.

XXIV. And it is hereby enacted, that all accounts of the said bank, and all instruments not under seal, whereby the said bank can in any manner be bound, except the cash notes of the said bank, shall be signed by three directors, and shall be of no validity unless so signed, and that the seal of the said bank shall not be affixed to any instrument except in the presence of three directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three directors such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said directors shall have power to appoint such officers as may be necessary to conduct the business of the said bank, and to remove any officer of the said bank, and to fix the salaries of such officers, provided that the whole expense of the establishment of the said bank shall

ACTS of 1843

shall not, in any one year, exceed 50,000 rupees, without previous authority from the general meeting of the proprietors.

XXVI. And it is hereby enacted, that no person who shall hold the office of secretary, treasurer, head accountant, or head shroff of the Bank of Madras, shall engage in any other commercial business, either on his own account, or as agent for any other person or persons, or act as a broker for the sale or purchase of government securities, and that every person appointed to any one or more of the said offices, shall give security to the directors for the faithful discharge of his duty in the sum of 50,000 rupees.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified; (that is to say)

- 1st. The discounting of negotiable securities.
- 2d. The keeping of cash accounts, including the realization of dividends and interest on Government securities to the credit of constituents of the bank.
- 3d. Buying and selling of bills of exchange payable in India.
- 4th. The lending of money on short loans.
- 5th. The buying and selling of bullions.
- 6th. The receiving of deposits.
- 7th. The issuing and circulating of cash notes and bank post-bills.
- 8th. The selling of property or securities deposited in the bank as security for loans and not redeemed, or of property or securities recovered by the bank in satisfaction of debts and claims.

XXVIII. And it is hereby enacted, that the directors of the said bank shall discount no negotiable security, and make no loan, unless the amount of cash in possession of the said bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said bank outstanding for the time being, and payable on demand.

XXIX. And it is hereby enacted, that the directors of the said Bank of Madras shall not discount any negotiable securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any bank, share, or certificate of shares, nor on mortgage, or in any other manner on the security of any lands, houses or immoveable property, nor on any negotiable security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time, to any individual or partnership firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of government securities, or goods not perishable as hereinafter mentioned) beyond the amount of three lakhs of company's rupees: provided always, that the advances upon bills of exchange accepted by the government, or upon other government obligations, shall not be considered as an advance within the meaning of this restriction.

XXX. And it is hereby enacted, that the directors of the said bank shall make no loan other than such loans as are described in the clause next preceding except on deposit of public securities in the full amount of the loan, and which public securities shall be so indorsed or otherwise transferred as to put them at the absolute disposal of the said Bank of Madras, or on deposit of goods not of a perishable nature, and of an estimated value exceeding the amount of the loan by at least one-fourth.

XXXI. And it is hereby enacted, that the said bank shall not be at any time in advance to the government more than seven lakhs and a-half of company's rupees; provided always, that the holding of government securities, or of bills of exchange drawn upon the government, or of other government acceptances or obligations derived to the said bank from individuals, and not overdue, or subscribed and paid for by the bank, shall not be construed as being in advance to the government within the meaning of this clause.

XXXII. And

XXXII. And it is hereby enacted, that the directors of the said Bank of Madras shall not suffer any person or persons, or body corporate, keeping cash with the said Bank of Madras, to overdraw his, her or their account. ACTS of 1843.

XXXIII. And it is hereby enacted, that the said Bank of Madras may issue promissory notes payable either on demand, or at a date not exceeding 30 days after sight, which notes shall and may be signed on behalf of the said bank by such person as the directors of the said bank may appoint or authorize in that behalf; provided always, that the total amount of such notes in circulation at any one time shall not exceed one crore of rupees, and provided also, that no such note shall be for a smaller amount than ten rupees.

XXXIV. And it is hereby enacted, that it shall not be lawful for the said bank to make, issue or negotiate any note, bill or other instrument containing any promise, undertaking or order for the payment of money elsewhere than within the limits of India.

XXXV. And it is hereby enacted, that it shall be lawful for the directors of the said Bank of Madras to receive in deposit goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXVI. And it is hereby enacted, that the directors of the said bank shall cause the books of the said bank to be balanced on the 30th day of June and the 31st day of December in every year, and that a statement of the balance on every such day signed by a majority of the said directors, shall be forthwith transmitted to one of the secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said directors any information touching the affairs of the said bank, and the production of any documents of the said bank, and that the said directors shall comply with every such requisition.

XXXVII. And it is hereby enacted, that an account of the profits of the said bank shall be taken half-yearly, on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the directors of the said bank on the ground of the actual profits made by the said bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said directors, be paid out of the funds of the bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the bank, at the discretion of the directors, and provided that the said directors, subject to the control and sanction of the proprietors at the general meetings, shall have power, when they see fit, to set apart from such profits a sum not exceeding five per cent. on the capital stock of the bank as a reserve against contingencies.

XXXVIII. And it is hereby enacted, that on the first Monday of the month of March in every year, a general meeting of the proprietors of the capital stock of the said bank shall be held, at which the directors of the said bank shall submit to the said proprietors a statement of the affairs of the said bank, made up to the preceding 31st of December, and such general meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said bank, which shall be binding on the directors and officers of the bank, and on the proprietors thereof, until rescinded or modified respectively by any subsequent general meeting.

XXXIX. And it is hereby enacted, that any three of the said directors of the said bank, or any ten proprietors of the capital stock of the said bank, may at any time convene a general meeting of the proprietors, upon giving fifteen days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the directors of the said bank for the time being, as also by public advertisement in the Official Gazette of Madras. And any general meeting so convened shall have the same powers and authorities as prescribed in the preceding section of this Act, for the annual general meeting to be held in the month of March.

ACTS of 1843.

XL. And it is hereby enacted, that it shall be lawful for the Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court of Directors of the East India Company, to establish branch banks at such places, and under such rules and restrictions as shall be determined by the proprietors at their general meetings: Provided, however, that such branch banks, when so established, besides being subject to the rules and restrictions that may be imposed by the proprietors, and to the control and orders of the directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Madras by this Act.

XLI. And it is further enacted, that if any of the proprietors shall become indebted to the said bank, it shall be lawful for the said bank to withhold payment of the dividends on the share or shares of such proprietor registered as his, or her own property, and not as held in trust, or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such proprietor or his or her constituted agent, or by public advertisement in the official Gazette, it shall be lawful for the said bank to refuse registration of the transfer of any such share or shares of such proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietor, or his or her lawful representative.

XLII. And it is further enacted, that the said bank shall continue as hereby constituted until the 1st day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided, however, that after the said 1st day of July 1850, the said bank shall not, except upon the application or by the consent of the proprietors of the said bank be dissolved, or anywise modified without previous notice of twelve months at the least being given by the Governor-General of India in Council, or by the Government of the Presidency of Fort Saint George, to the directors of the said bank for the time being, of such intended dissolution or modification: Provided also, that in the event of the said bank at any time suspending any cash payments, the benefits granted to the said bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

NAMES.	Number of Shares of 1000 Rs. each.	Amount in Rupees.
Joseph Pugh - - - - -	Forty - 40	40,000
David Pugh - - - - -	Twenty - 20	20,000
John Utlay Ellis - - - - -	Twenty - 20	20,000
Joseph Goolden - - - - -	Six - 6	6,000
John Pugh - - - - -	Six - 6	6,000
Major George Hutchinson, 24th Regiment Native Infantry - - -	Twelve - 12	12,000
Surgeon Ramsay Sladen - - - - -	Twenty - 20	20,000
Peter John Phillipsz - - - - -	Twelve - 12	12,000
Nathaniel Brindley Acworth - - - - -	Fifty - 50	50,000
John Line - - - - -	Twenty - 20	20,000
James Thomson - - - - -	Twenty - 20	20,000
Surgeon Robert Baikie, M.D. - - - - -	Ten - 10	10,000
Lieut.-Col. Frederick Larkins Doveton, 5th Regiment Light Cavalry - -	Ten - 10	10,000
William Haylett - - - - -	Twenty - 20	20,000
James Cuddy - - - - -	Five - 5	5,000
James Scott - - - - -	Twenty - 20	20,000
John Binny Key - - - - -	Twenty - 20	20,000
William Scott Binny - - - - -	Ten - 10	10,000
Henry V. Conolly - - - - -	Ten - 10	10,000

NAMES.	Number of Shares of 1,000 Rs. each.	Amount in Rupees.
Surgeon John Wylie, M.D.	Twelve - 12	12,000
Donald Mackenzie	Twenty - 20	20,000
William Liddell	Ten - 10	10,000
Colin C. Dunhill	Four - 4	4,000
Mathew Dunhill	Four - 4	4,000
Mark Dunhill	Four - 4	4,000
Reverend George William Mahon	Twenty - 20	20,000
John Carnac Morris	Fifty - 50	50,000
Major James Macdonald, 45th Regiment Native Infantry	Fifteen - 15	15,000
James Ouchterlony	Forty - 40	40,000
Lieut.-Col. Alexander Tulloch, c. b.	Twenty-five - 25	25,000
John Murray, M.D.	Ten - 10	10,000
Andrew Barrie	Ten - 10	10,000
Edmund Marsden	One - 1	1,000
Chocapah Chetty	Four - 4	4,000
Surgeon George Harding	Twenty - 20	20,000
John Dent	Ten - 10	10,000
Robert Grant	Forty - 40	40,000
Claud Currie	Twenty - 20	20,000
Surgeon James Smith	Five - 5	5,000
George Gahan	Twenty - 20	20,000
Thomas Kennedy Mac Fadzen	Ten - 10	10,000
Eleazar Seth Sam	Six - 6	6,000
Andrew Seth Sam	Sixteen - 16	16,000
Varden Seth Sam	Six - 6	6,000
Alexander Maclean	Fifteen - 15	15,000
Captain Isaac Campbell Coffin, 12th Regiment Native Infantry	One - 1	1,000
Robert Clerk	Fifteen - 15	15,000
William Hamilton Hart	Twelve - 12	12,000
James Webster	Ten - 10	10,000
William Scott	Five - 5	5,000
John Scott	Five - 5	5,000
Peter Bell	Five - 5	5,000
Thomas Arthur Chamier	Twelve - 12	12,000
Michael M'Dowell	Twelve - 12	12,000
Lieut. Arthur Frederick Beavan, 39th Regiment Native Infantry	Five - 5	5,000
Captain James Victor Hughes, 39th Regiment Native Infantry	Seven - 7	7,000
Edward Penton Thompson	Thirty-five - 35	35,000
G. P. Thompson	Thirty-five - 35	35,000
Archibald Francis Arbuthnot	Twelve - 12	12,000
William M'Taggart	Twelve - 12	12,000
Alexander Mackenzie	Twelve - 12	12,000
James Liddell	Ten - 10	10,000
Major General Robert Brice Fearon, c.b.	Six - 6	6,000
Joseph Bainbridge	Forty - 40	40,000
R. P. Wheeler	Five - 5	5,000
William Wheeler	Five - 5	5,000
Lieut. Herbert William Wood, 4th Regiment Native Infantry	Ten - 10	10,000
Charles William Eaton	Twelve - 12	12,000
Robert Stephenson	Five - 5	5,000
Peter Carstairs	Five - 5	5,000
The honourable John Sullivan	Forty - 40	40,000
Colla Vencatachella Chetty	Twelve - 12	12,000
Alexander Inglis Cherry	Twelve - 12	12,000
Alexander Fairlie Bruce	Twenty - 20	20,000
Nicholas Barambeg	One - 1	1,000
Captain James Smith, 1st N. V. Battalion	One - 1	1,000
Surgeon Thomas O'Neill	Ten - 10	10,000
Lieut.-Col. Seudamore Winde Steel	Twenty - 20	20,000
Lieut.-Col. John Ogilvie	Five - 5	5,000
Robert Franck	Five - 5	5,000
James Minchin	Twenty - 20	20,000
Lieut.-Col. George Sandys, 3d Regiment Light Cavalry	Twenty - 20	20,000
Henry Dickenson	Twenty - 20	20,000
William Johnson	Twenty - 20	20,000
Ruthnal Veerasawmy Naidoo	Four - 4	4,000
Thomas Parker Waller	Twelve - 12	12,000
John Kickwick	Four - 4	4,000
Charles Kennett	One - 1	1,000
John Jordan	Two - 2	2,000
The Right honourable John Lord Elphinstone	Fifty - 50	50,000
Thomas Moore Lane, Surgeon	Twelve - 12	12,000
Joseph Browning Pharaoh	Two - 2	2,000
John Goldingham	Twenty - 20	20,000
Henry Fox	Four - 4	4,000
William Miller	Five - 5	5,000
Leander Miller	Five - 5	5,000

(continued)

ACTS of 1843.

NAMES.	Number of Shares of 1,000 Rs. each.	Amount in Rupees.
Captain John Henry Cramer, 2d M. E. Regiment Light Infantry	Five - 5	5,000
Francis Rencontre	Four - 4	4,000
Walter Elliot	Forty - 40	40,000
E. Brennen	Twelve - 12	12,000
Wheeler Hood George Mason	Four - 4	4,000
Montagu Robert Taynton	Four - 4	4,000
Theodore Rencontre	Two - 2	2,000
George Gilbert Richardson	Ten - 10	10,000
Malcolm Lewin	Fifty - 50	50,000
James William Burnside	Two - 2	2,000
John D'Vaz	Two - 2	2,000
Coopala Ramanjaloo Naidoo	Five - 5	5,000
Kenneth Macaulay	Fifteen - 15	15,000
George Monro Aiskell Storey	One - 1	1,000
James Lacey Dighton	Twenty - 20	20,000
Lieut.-Col. Peter Edmonstone Craigie, H.M.'s 55th	Twenty - 20	20,000
Lieut. Stafford Vardon, Engineers	Five - 5	5,000
Antoine François De Colons	Ten - 10	10,000
Surgeon Archibald Shanks, M.D.	Fifteen - 15	15,000
Mrs. K. Chambers	Ten - 10	10,000
William Done Davis	Thirty - 30	30,000
Captain John James M'Murdo, 45th Regiment Native Infantry	Two - 2	2,000
Captain Walter William Ross, 17th Regiment Native Infantry	Fifteen - 15	15,000
Captain John Thomas Smith, Engineers	Five - 5	5,000
Apothecary Henry Eason	One - 1	1,000
Lieut.-Col. Robert Alexander	Five - 5	5,000
Lieut.-Col. George E. Jones, K.H., H.M.'s 57th Regiment	Thirty - 30	30,000
Robert Dean Parker	Five - 5	5,000
Reverend M. Bowie	Four - 4	4,000
Lieut.-Col. Joseph Leggett, 3d Regiment Light Infantry	Five - 5	5,000
Sir Henry C. Montgomery, Bart.	Ten - 10	10,000
Captain Charles Edward Faber, Engineers	Four - 4	4,000
Noothalapauty Bashacarloo Naick	Five - 5	5,000
Captain George Augustus Underwood, Engineers	Twenty - 20	20,000
George Bird	Eight - 8	8,000
Thomas William Nailer	Ten - 10	10,000
Lieut. Col. John Hill Winbolt, 2d Regiment Native Infantry	Ten - 10	10,000
John Horsley	Five - 5	5,000
Captain James FitzGerald, 42d Regiment Native Infantry	Three - 3	3,000
Assistant Surgeon William Rose	Four - 4	4,000
Major Duncan Montgomerie, 7th Regiment Light Cavalry	Five - 5	5,000
Stewart Forbes	Five - 5	5,000
Henry Kennett	Five - 5	5,000
Major John Ward, 39th Regiment Native Infantry	Two - 2	2,000
Captain Archibald Douglas, 49th Regiment Native Infantry	Twenty-five - 25	25,000
F. E. A. Chamier	Five - 5	5,000
Frederick Mortimer Lewin	Ten - 10	10,000
Captain George Logan, 41st Regiment Native Infantry	Five - 5	5,000
Captain Augustus DeButts, Engineers	Two - 2	2,000
Captain Richard Budd, 32d Regiment Native Infantry	Ten - 10	10,000
John Trebeck Conran, Surgeon	Five - 5	5,000
Captain Daniel Duff, 37th Regiment Native Infantry	Five - 5	5,000
Major William Taylor, 39th Regiment Native Infantry	Ten - 10	10,000
Lieut.-Col. James Perry, 31st Regiment Light Infantry	Five - 5	5,000
Captain Archibald Woodburn, 40th Regiment Native Infantry	Five - 5	5,000
Captain Francis Gresley, H. H. Nizam's Army	Five - 5	5,000
Major Alexander Lawe, Engineers	Five - 5	5,000
The Venerable Henry Harper, A.M., Archdeacon	Five - 5	5,000
John Charles Starkenburgh	One - 1	1,000
Robert Orr Campbell	Four - 4	4,000
Lieut.-Col. John James Underwood, Engineers	Ten - 10	10,000
C. C. Vencatachellum Moodelly	Two - 2	2,000
C. Colenda Moodelly	One - 1	1,000
Stewart Johnson Young	Four - 4	4,000
John Frederick Jennings, Veterinary Surgeon	Five - 5	5,000
Major General Francis Whish Wilson	Twenty-five - 25	25,000
Major Edward Archdale M'Curdy, 27th Regiment Native Infantry	Ten - 10	10,000
Assistant Surgeon James Supple	Ten - 10	10,000
Henry Martin Blair	Ten - 10	10,000
Assistant Surgeon James Eaton, M.D.	Twelve - 12	12,000
Thomas W. Goodwyn	Ten - 10	10,000
Assistant Surgeon Alexander Braithwaite Morgan, H. M.'s 55th Reg.	Five - 5	5,000
T. Soolochenum Moodelly	Twenty - 20	20,000
Joseph Roberts	Twelve - 12	12,000
Brigadier James Wahab, C. B.	Ten - 10	10,000
Mrs Gertrude E. Williams	Ten - 10	10,000

NAMES.	Number of Shares of 1,000 Rs. each.	Amount in Rupees.	ACTS of 1843.
Surgeon John Brown, M.D.	Five - 5	5,000	
Thomas Turner	Ten - 10	10,000	
David Rous Limond	Ten - 10	10,000	
George S. Britain	Twenty-five - 25	25,000	
Richard Taylor	Fifteen - 15	15,000	
Conoor Arnachellum	Seven - 7	7,000	
William Bensley Anderson	Ten - 10	10,000	
Dr. Alexander Smith, of Bengal	Forty - 40	40,000	
Major Westrop Watkins, 36th Regiment Native Infantry	Ten - 10	10,000	
William Anderson	Eight - 8	8,000	
Colonel William Cullen	Twenty - 20	20,000	
John Rosmal Coey	Six - 6	6,000	
Captain Thomas Larkins	Forty - 40	40,000	
George James Casamajor	Thirty - 30	30,000	
Patrick Grant	Twenty - 20	20,000	
Surgeon Cornelius Desormeux	Two - 2	2,000	
Captain John Charles Hawes, 1st M. E. Regiment	Twenty - 20	20,000	
Captain George Leacock, 51st Regiment Native Infantry	Six - 6	6,000	
Gundavady Vencataram Chetty	One - 1	1,000	
Rungamah	One - 1	1,000	
Major John Wynch, Artillery	Five - 5	5,000	
Lieutenant John Ouchterlony, Engineers	Four - 4	4,000	
Vurdarajooloo Naicker	Two - 2	2,000	
Edward Samuel Atkinson	Ten - 10	10,000	
Miss Charlotte Eliza Anne Gardner	Five - 5	5,000	
Miss Martha Mary Louisa Gardner	Five - 5	5,000	
Henry James Gardner	Five - 5	5,000	
Captain C. J. Westley, Bombay Army	Ten - 10	10,000	
Andrew Robertson	Twenty - 20	20,000	
Edward Peters	Twelve - 12	12,000	
Lieut. Col. Charles Dennis Dun, 44th Regiment Native Infantry	Fifteen - 15	15,000	
William Elphinstone Underwood	Fifteen - 15	15,000	
William Waddell	Twenty - 20	20,000	
Edward Vincent	Two - 2	2,000	
Mrs. Hosanna Arathoon Kerakoosa	Fifty - 50	50,000	
Nathaniel William Kindersley	Ten - 10	10,000	
Captain William Henry Simpson, 36th Native Infantry	Seven - 7	7,000	
Joseph Barrow	Fifteen - 15	15,000	
Benjamin Cardozo	Five - 5	5,000	
Felix Philips	Five - 5	5,000	
Hew Drummond Elphinstone Dalrymple	Twenty - 20	20,000	
Narrain Doss Gopaul Doss	Twelve - 12	12,000	
Jevaram Davy	Four - 4	4,000	
Captain James Palmer Woodward, 9th Regiment Native Infantry	Five - 5	5,000	
Gurderdoss Govindoss	Twelve - 12	12,000	
P. Dasekah Charloo	Two - 2	2,000	
Vembaukum Nursingiah Braminy	Two - 2	2,000	
Vembaukum Ragavah Charrier	Two - 2	2,000	
Major Frederick Minchin, 47th Regiment Native Infantry	Twenty - 20	20,000	
A. Vencatachelum Chetty	Four - 4	4,000	
Girdirdoss Vallabadoss	Twelve - 12	12,000	
William Paten	Two - 2	2,000	
Miss Maria Paten	One - 1	1,000	
Miss Catherine Paten	One - 1	1,000	
Miss Louisa Paten	One - 1	1,000	
Colonel Charles Augustus Elderton, 52d Regiment Native Infantry	Ten - 10	10,000	
Captain John Henry Bowden Cougden, 2d Regiment Native Infantry	Five - 5	5,000	
J. Holland, Deputy Quarter Master General Bombay Army	Ten - 10	10,000	
Lieut.-Col. Wm. Martin Burton, Artillery	Five - 5	5,000	
Capt. Alexander Shirriffs, 21st Regiment Native Infantry	Five - 5	5,000	
Capt. Peter Thomas Cherry, 1st Regiment Light Cavalry	Five - 5	5,000	
Col. Thomas Fiddes	Seven - 7	7,000	
		2,700,000	

ACT No. X. of 1843.

Passed by the Right Honourable the Governor-General of India in Council on
the 15th July 1843.

AN Act for the Administration of Justice and Collection of the Revenue in the
Districts of Kurnool and Bunganapilly.

I. It is hereby enacted, that from and after the 1st day of September 1843 the administration of civil and criminal justice, the superintendence of the police, the

Administration of civil
and criminal justice and
police and superintend-

ence of all revenue affairs in the districts of Kurnool and Bunganapilly, vested in an agent to be appointed by Government of Fort St. George, with assistants similarly appointed.

Government of Fort St. George may prescribe rules for guidance of agent and his subordinates.

And may fix the limit of final civil jurisdiction and of appeals.

And may define authority of agent in criminal trials, and what cases shall be submitted to Foujdaree Adawlut.

On trials referred, Foujdaree Adawlut shall pass judgment or pass order as in cases referred from a judge of circuit.

Civil appeals to be decided by Sudder Adawlut as appeals from provincial courts.

Government of Fort St. George competent, with the previous sanction of the Supreme Government, to make alterations in the limits of the jurisdiction of the agent.

and the collection and superintendence of the revenues of every description within the districts of Kurnool and Bunganapilly shall vest in such agent to the Governor of Fort St. George as shall be appointed by the Governor in Council of Fort St. George, and shall be exercised by the said agent with the aid of such assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to prescribe such rules as he may deem proper for the guidance of the agent aforesaid, and of all the officers subordinate to his control and authority, and to determine to what extent the decision of the agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Adawlut, and to define the authority to be exercised by the agent in criminal trials, and what cases he shall submit to the decision of the Foujdaree Adawlut.

III. And it is hereby enacted, that, upon the receipt of any criminal trials referred by the agent under the rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Adawlut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a judge of circuit.

IV. And it is hereby enacted, that upon the receipt of any appeal from a decree of the agent, duly preferred under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the provincial courts.

V. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make from time to time, with the previous sanction of the Governor-General of India in Council, such alterations in the limits of the aforesaid districts placed under the jurisdiction of the said agent, as he may deem expedient.

ACT No. XI. of 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 22d July 1843.

AN ACT for regulating the Service of Hereditary Officers under the Presidency of Bombay.

Preamble.

Whereas it has been found that the provisions of Regulation XVI. 1827 of the Bombay Code are insufficient to secure the efficient discharge of the duties of hereditary officers :

I. It is hereby enacted, that sections 17 and 18 of Regulation XVI. of 1827 of the Bombay Code, be rescinded.

II. And it is hereby enacted, that all hereditary officers, of whatever denomination, belonging to or employed in the management of the land revenue, or of the customs or town duties, or excise, or other revenue, or in the police, or in the civil administration of the country, shall render the usual services of their respective offices, as far as the same may be required by the collector or other officer under whose control they may be placed by usage or the orders of Government.

III. And it is hereby enacted, that when the duties of an hereditary office fall in more than one department, it shall be competent to the Governor in Council of Bombay to prescribe what officer shall be vested with the control of such office.

IV. And it is hereby enacted, that it shall be competent to the collector or other officer to whom the duties of an hereditary office are, as provided in Clause II., to be rendered, when the performance of those duties is claimed in rotation by different sharers, to require that the sharers in the wuttun shall nominate a fit and proper person from among their number, who shall hold the office as the representative of the family either during life or for such term not being less in each

each instance than five years, as the collector or controlling officer shall determine, with the sanction of the Governor in Council, and in the event of the sharers not so nominating when required, one or more of their number, within a reasonable period, to be fixed by the collector or controlling officer, the collector or controlling officer shall himself exercise the power of selection, subject to the approval of the Governor in Council.

V. And it is hereby enacted, that it shall be competent to the collector or controlling officer to refuse to confirm the nomination by the sharers, of any individual, if he shall have reason to think that, from age or personal disqualification, the duties of the office will not be properly performed by him, or if, from character and past conduct, the person nominated be considered unworthy of trust, provided that the grounds of such refusal shall be recorded in writing, and that an appeal from such decision shall lie to the Governor in Council, whose order thereon shall be final.

VI. And it is hereby enacted, that the collector or controlling officer shall have power to punish officiating hereditary officers for misconduct or neglect of duty by suspension from office, pay and emolument, or by fine not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorized for realizing revenue demands.

VII. And it is hereby further enacted, that the collector or controlling officer, in cases of misconduct or incompetency on the part of an officiating hereditary officer, shall have power to dismiss such officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

VIII. And it is hereby enacted, that in conducting the investigation prescribed in the preceding section, the collector or controlling officer shall have the same authority as a magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence.

IX. And it is hereby further enacted, that whenever any such hereditary officer shall be convicted of fraud or malversation, or of any criminal offence in the conduct of the duties of the office by any sessions court, it shall be lawful for the said Governor in Council to direct the confiscation of the wuttun, either wholly or in part, and after such confiscation the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto, or otherwise, in such manner as the said Governor in Council may direct.

X. And it is hereby enacted, that no female shall perform in person the duties of any hereditary office.

XI. And it is hereby enacted, that if any hereditary officer is incapable of personally discharging the duties of his or her office, by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the collector or controlling officer to call upon him or her, or his or her guardians, to appoint a deputy, subject to his approval, and on the party or parties failing to appoint a fit deputy within a reasonable period the appointment shall be made by the said collector or controlling officer.

XII. And it is hereby enacted, that all deputies appointed to perform the duties of hereditary offices under this Act and under section 4, Regulation V., 1833, of the Bombay Code, shall be subject to the same rules and penalties as the principals, and that the wuttun of the office shall be liable to confiscation upon the conviction by any sessions court of any deputy appointed by the hereditary officer, in the same manner as it would be under the 9th section of this Act upon the conviction of the hereditary officer himself.

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any hereditary office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the officiating hereditary officer, for which purpose it shall be competent to the collector or controlling officer

ACTS of 1843.

officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only subject to the claims of the other sharers, and further that the portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the officiating hereditary officer, and shall not be liable to civil process of any court of law.

XIV. And it is hereby enacted, that whenever it may be necessary, as hereinbefore provided, that the collector or controlling officer shall appoint a deputy to conduct the duties of an hereditary office, it shall be lawful for him to assign to such deputy a fit remuneration from the rents and profits of the said office.

XV. And it is hereby enacted, that the terms "hereditary district or village office or officers" or "hereditary district or village revenue office or officers" used in Regulation XVI., 1827, and Regulation V., 1833, of the Bombay Code, shall be held to apply to all descriptions of hereditary offices and officers.

ACT No. XII. of 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 29th July 1843.

AN ACT concerning the Time at which and the Language in which the Decisions of the Judges in the Courts of the East India Company are to be written.

Whereas it is expedient, that the decisions of courts of justice and the reasons for the decision should be written and signed by the judge at the time of pronouncing his decision, and in the vernacular language of the judge:

I. It is hereby enacted, that in all the presidencies so much of all decrees as consists of the points to be decided, the decision thereon, and the reasons for the decision, and all injunctions for the revision of decrees in regular suits, and all orders for reviews of judgment, which shall be passed by judges of the sudder courts, or by judges of zillah and city courts, or by subordinate or assistant judges of zillahs, shall be written originally in English, and signed by the judge or judges at the time of pronouncing such decision and orders; and shall be translated into the vernacular language commonly used in the court wherein the suit to which the decree or order relates, shall have been instituted; and the translation shall be incorporated in the decree.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any regulation of the codes of the Presidencies of Fort St. George and Bombay, by which the decrees of the sudder courts are required to be written in English, nor to repeal or affect any regulation of the code of the Presidency of Fort St. George, by which the decrees of the provincial and zillah courts and the auxiliary courts under assistant judges, and the orders of the sudder court and provincial courts on petitions presented to them, are required to be written in English.

And whereas it is expedient, that, excepting as regards the language to be used, principal sudder ameens, sudder ameens and moonsiffs, should be guided by the same rules as are hereinbefore provided for the guidance of the superior judges;—

III. It is hereby enacted, that in all the presidencies so much of all decrees as consists of the points to be decided, the decision thereon, and the reason for the decision, which shall be passed by principal sudder ameens, sudder ameens or moonsiffs, shall be written originally in the vernacular language of such principal sudder ameen, sudder ameen or moonsiff, and signed by such principal sudder ameen, sudder ameen or moonsiff at the time of pronouncing such decision, and (in case such vernacular language shall not be the same as the vernacular language commonly used in the court wherein the suit to which the decree relates, shall have been instituted), shall be translated into such last-mentioned vernacular language and the translation shall be incorporated in the decree.

ACT

ACT No. XIII. of 1843.

ACTS of 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 29th July 1843.

AN ACT for regulating Inquiries into the Truth of Matters implicating the public Conduct of Officers not removeable without the sanction of Government within the Presidency of Fort St. George in Madras.

Whereas it is expedient to amend the provisions contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European officers, and to extend the same to all officers not removeable without the sanction of Government ;

I. It is hereby enacted, that Regulations III. of 1809, II. of 1810, VI. of 1818, and VIII. of 1822, of the Madras Code, be repealed.

II. And it is hereby enacted, that in the territories subject to the Presidency of Fort St. George in Madras, whenever either the courts of Sudder and Foujdaree Adawlut, or the Board of Revenue, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of official misconduct affecting any officer subject to their control respectively, and not removeable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges, reduced to distinct articles, which they may propose to be made the subject of a regular investigation, to the Governor in Council of Fort St. George, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to the courts of Sudder and Foujdaree Adawlut or to the Board of Revenue, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation, and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any judge, magistrate or collector for any acts of the description before mentioned committed within their jurisdiction, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder and Foujdaree Adawlut, or to the Board of Revenue, according as the person accused may be subject to those authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the courts of Sudder and Foujdaree Adawlut or the said board, respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the courts of Sudder and Foujdaree Adawlut and for the said board, respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry: Provided, that on every occasion when they shall dismiss any such charge or information they shall submit the same, together with all the circumstances of the case, in like manner as is provided in section 2 of this Act.

VII. And it is hereby provided, that the said courts of Sudder and Foujdaree Adawlut and the said board, respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable, that he will attend and prosecute the charge to a conclusion, and in the event of security being so required, all proceedings shall be stayed until the same shall be furnished accordingly.

ACTS of 1843.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid, affecting such officer as is mentioned in the second section of this Act, shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the courts of Sudder and Foujdaree Adawlut or the said board, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid, into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor in Council of Fort St. George, although no charge or information be preferred as aforesaid: and in such cases it shall not be necessary before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor in Council of Fort St. George, upon such reference as is mentioned in the second section of this Act, shall concur with the authority by which it may be submitted, or if such Governor in Council shall, from information of the description aforesaid that may be laid before him in respect of any officer not directly subject to the courts or board above named, deem it necessary to institute proceedings against any such officer, he shall appoint a commissioner or commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such commission the said Governor in Council shall direct whether, the commission shall be placed under the control of any of the authorities aforesaid, or shall act immediately under the authority of Government; and all commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government.

XI. And it is hereby enacted, that the commissioner or commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath:

I, A. B., Commissioner for the purpose of [here state the object of the commission] do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favour or bias, to the best of my ability, knowledge, and judgment. So help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a special commission, the said Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the said Governor in Council will nominate such person or persons as may be deemed proper to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Act, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation, and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission under this Act, such commission shall be vested with the same powers as are exercised by the zillah courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the zillah judge in whose jurisdiction the commission may be held, and executed by the zillah judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observation upon the result of the inquiry which he may think necessary for the vindication of his conduct

conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

ACTS of 1843.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the commissioner or commissioners shall, when the commission shall be instructed to act immediately under the authority of Government, submit directly to the Government to which he or they may be subordinate, and in other cases to the controlling court or board, the proceedings under the commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor in Council, or the controlling court or board, upon consideration of the report of any such commission as aforesaid, to direct the commissioner or commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the commissioner or commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudder and Foujdaree Adawlut, or the board to which any report of a commissioner or commissioners may be submitted as aforesaid after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a special commission may be appointed under the provisions of this Act, the said Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused officer shall be suspended from the discharge of the functions of his office ; and if so, whether he shall be permitted to draw the established allowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor in Council, on consideration of the report and proceedings submitted to him in pursuance of sections 16 and 18 of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice and consistent with the powers possessed by Government in matters of this description ; and in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution before a competent court of law, will issue the necessary instructions for that purpose to the law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any public officer, will be at all times at liberty to seek redress according to the ordinary forms prescribed by law.

ACT No. XIV. of 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 5th August 1843.

AN ACT for regulating the Levy of Customs Duties, and the Manufacture of Salt in the North-Western Provinces of the Presidency of Bengal.

I. It is hereby enacted, that Regulation XVI. 1829, Act. II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act as affects the collection of Customs duties, or the manufacture of salt in the North-Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September 1843.

II. And it is further enacted, that from and after the day above mentioned, the following and no other duties of Customs shall be leviable upon the import and export of articles into and from the North-Western Provinces of the Presidency of Bengal ; that is to say,

ACTS of 1843.

On the import of salt, of all descriptions, two rupees per maund; and a further duty of one rupee per maund on the transmission thereof to the eastward of Allahabad :

On the import of cotton, uncleaned, four annas per maund; cleaned, eight annas per maund :

On the export of misree, kund, chenee and all clayed and refined sugar, eight annas per maund; goor, râb, sheerah, and all unclayed and unrefined saccharine produce, three annas per maund :

The import of sugar into any part of the said provinces is and shall remain prohibited.

III. And it is further enacted, that it shall be lawful for the Government of the said provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid duties, in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act, from the date notified in the Gazette wherein they shall be published.

IV. And it is further enacted, that from and after the 1st day of September 1843, the manufacture of alimentary salt throughout the north western provinces of the Presidency of Bengal, without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such salt, or preparing or causing to be prepared works for the manufacture of such salt, without such sanction, and all zemindars, or other proprietors of land, or their agents, conniving at such illicit manufacture, shall, on conviction by the magistrate, within the limits of whose district the offence may have occurred, be punished by a fine not exceeding 500 rupees, and on non-payment of such fine, by imprisonment, not exceeding six months, with or without hard labour, and that all works at which such manufacture shall have been conducted, or which are designed for such manufacture, shall be destroyed, and any salt which may be manufactured or stored thereat, shall be seized and confiscated.

V. And it is further enacted, that it shall be lawful for the collectors of customs, and the collectors of land revenue within their jurisdictions, to destroy all works for the manufacture of salt, and to seize the salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the magistrate within the limits of whose district the offence may have occurred.

VI. It is further enacted, that all sugar imported into the said provinces, and all articles imported or exported, without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all boats, carriages and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all zemindars and other proprietors of land, or their agents, who shall wilfully connive at such attempts or evasions, or aid such acts, shall, on conviction by the magistrate within the limits of whose district the offence may have occurred, be punished by a fine not exceeding 500 rupees, and on non-payment thereof by imprisonment, not exceeding six months, with or without hard labour.

VIII. And it is further enacted, that it shall be lawful for all officers of the Customs department to search any carriages and conveyances, and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages contain any articles made subject to duty, or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act, the collector or deputy collector

lector of land revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the commissioner of revenue, and it shall be lawful for such commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

ACTS of 1843.

X. And it is hereby enacted, that it shall be lawful for all officers in the Customs department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any officer of the Customs department who shall without reasonable grounds of suspicion search any carriage or conveyance, or any package, shall, upon conviction thereof before the magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any officer of the Customs department who shall, under colour of this Act, apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall upon conviction before the magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all magistrates, or persons exercising the powers of magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act shall be open to appeal, under such rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all officers of police, and all officers of the Government engaged in the collection of the land revenue, are empowered and required to aid and assist the officers of the Customs department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda territories, or to the district of Ajmere.

ACT No. XV. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 5th August 1843.

AN ACT for the more extensive Employment of uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the public service require that the police and criminal branch of the judicial department should be strengthened by the more extensive employment of uncovenanted agency;

I. It is hereby enacted, that it shall be competent to the local governments of both divisions of the Bengal Presidency to appoint in any zillah or district one or more uncovenanted deputy magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the office of deputy magistrate under this Act shall, previously to entering upon the execution of the duties of his office, make and subscribe before the magistrate of the district to which he may be appointed, a declaration according to Act XXI. 1837.

III. And it is hereby enacted, that a deputy magistrate appointed under this Act shall be capable of being employed as a judicial officer, or as an officer of

ACTS of 1843.

police, or both, at the discretion of the local government; as a judicial officer he shall exercise the powers of a covenanted assistant under Regulations XIII. 1797, IX. 1807, or III. 1821, or the full powers of a magistrate according to such orders as may from time to time be issued in that respect by the local government; and in such cases he shall be subject to such authority in regard to appeals from his decisions and judicial orders as is provided for the decisions and orders of a covenanted assistant under the above regulations or of a magistrate respectively; as an officer of police he shall be in all respects subordinate to the magistrate under whom he may be placed; he shall exercise such powers as the Government or the magistrate, with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the local government, to extend, limit or resume the powers committed to such deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any uncovenanted officer in the revenue and judicial departments from holding at the same time with any other office the office of deputy magistrate.

V. And it is hereby enacted, that a deputy magistrate appointed under this Act shall not be dismissed from office for misconduct without the sanction of the local government; whenever there may be reason to believe that a deputy magistrate is disqualified by neglect, incapacity or corruption for continuance in office, a report shall be submitted by the local magistrate for the consideration and orders of the local government which shall be competent to suspend him, and order a further inquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the territories subject to the government of the East India Company, nor any natural born subject of Her Majesty resident therein, is, by reason only of his religion, place of birth, descent, color, or any of them, disabled from holding the office of deputy collector under Regulation IX. of 1833.

ACT No. XVI of 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 12th August 1843.

AN ACT regarding the offering of Rewards for the Apprehension of Offenders.

Whereas inconvenience has been experienced from the rules in force which provide that magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the courts of circuits, or courts exercising the powers of the old courts of circuit, when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude: and whereas it is expedient that all such applications should be made to such officer or officers as from time to time may be empowered by the local governments to authorize the grant of rewards;

It is hereby enacted, that sections 2 and 3, Regulation IX. of 1808, and sections 16 and 17, Regulation XVI. 1810 of the Bengal Code, be and the same are hereby repealed.

ACT No. XVII. of 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 19th August 1843.

AN ACT for the Appointment of Official Trustees in certain cases.

Whereas the property of infants, feme coverts and others, vested in trustees, is exposed to peculiar risks and burthens in the territories subject to the government

ment of the East India Company, not only from the insolvency of trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal or incapacity to act: ACTS of 1843

I. It is hereby enacted, that in all cases in which any property is subject to any trust, and there shall be no trustee willing to act or capable of acting within the jurisdiction of Her Majesty's courts in the said territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said territories, on petition, to appoint the registrar, or such other officer of the court as the court may from time to time select as the official trustee, under the provisions of this Act, to be a trustee of such property, and that upon such appointment such property shall vest in such officer and his successors in office, and shall be held by them upon the same trusts as the same was held previous to such appointment.

II. And it is hereby further enacted, that such officer shall cause such property to be invested in Government Securities, or otherwise, as the court shall direct, and that he shall be entitled to a commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the court to make any orders respecting such property so vested in such official trustee, or the interest or produce thereof, and that all such orders shall be made on petition, unless the court shall direct a bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the re-transfer of the said property to the original or any subsequently appointed trustees or otherwise as the court shall direct.

V. And it is hereby further enacted, that where any infant or lunatic shall be entitled to any gift or legacy, or residue or share thereof, it shall be lawful for the executor or administrator by whom such legacy or residue may be payable or transferable, or the party by whom such gift shall be made, or any trustee thereof, to pay or transfer the same to the official trustee appointed under this Act, and that the receipt of such official trustee shall be a discharge for the same; and that the same shall be subject to the like provisions as are contained in this Act as to other property vested in such official trustee under the provisions thereof.

VI. And it is hereby further enacted, that the provisions of this Act, except as to the commission to be allowed under the same, shall extend to any property of infants or lunatics in the hands of the ecclesiastical registrar of each of the said courts as official administrator.

ACT No. XVIII. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council
on the 9th September 1843.

An Act for the better Custody of Persons convicted of Thuggee and Dacoity.

Whereas it often happens that the offences of thuggee and dacoity are committed by gangs, as well within the territories subject to the government of the East India Company, as in those of native princes or states in alliance with the said Company, and it may be necessary, for the safety of persons and property within the territories subject to the government of the East India Company, that persons convicted of the like offences within the territories of such princes or states, should be kept in secure custody, which cannot always be done within the last-mentioned territories;

It is hereby enacted, that it shall be lawful for the local government of any part of the territories subject to the government of the East India Company, to authorize the reception and detention in any part of those territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of thuggee, dacoity, or the offences of belonging to any gang of thugs or dacoits, within the territories of any native prince or state in alliance with the said Company: Provided always, that such sentences shall have been pronounced after trial before a tribunal, in which a covenanted servant of the East India Company, duly authorized in that behalf by such prince or state, shall be one of the presiding judges. And it is hereby

ACTS of 1843.

enacted, that every servant of the East India Company so authorized as aforesaid, shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

ACT No. XIX. of 1843.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th October 1843.

An Act for amending the Law respecting the Registration of certain Deeds.

Whereas doubts have arisen as to the true meaning and construction of Act No. I. of 1843;

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the first day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed, and that from the said day every deed of mortgage on land, houses and other real property, as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding: Provided always that nothing in this section contained shall be construed to extend to any deed or certificate made before the said first day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same, whether made before or after the said first day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation or Law to the contrary notwithstanding.

ACT No. XX. of 1843.

Passed by the Right Honourable the Governor-General of India in Council
on the 30th October 1843.

An Act for providing for the Exercise of certain Powers by the Governor-General during his Absence from the Council of India.

I. Whereas it is expedient that the Governor-General should visit the North-Western Provinces and other parts of India unaccompanied by any member of the Council of India; it is enacted, that during the absence of the Governor-General from the Council of India, it shall be lawful for the Governor-General alone to exercise all the powers which may be exercised by the Governor-General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an order published in the official Gazette, that the Governor-General has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT

ACT No. XXI. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th November 1843.

AN ACT for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the Island of Mauritius for agricultural labour will by the end of this year be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of female emigrants to that island than has been procured under the present system of emigration, it is therefore enacted, that from and after the 1st day of January next ensuing, emigration to Mauritius shall only lawfully take place under the provisions of the Act, No. 15 of 1842, from the port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor-General in Council to nominate a proper person to act as protector of emigrants at Calcutta, and that no emigrant shall be permitted to embark without a certificate from the agent appointed by the Government of Mauritius, countersigned by the protector, to the effect that such person has been engaged by him as an emigrant to that island on the part of the said government.

ACT No. XXII. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council
on the 18th November 1843.

AN ACT for amending the Law relating to the Jurisdiction of Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

Whereas by section 17 of Regulation III. of 1793, of the Bengal Code, it was, amongst other things, provided, that the Dewanny Adawlut of the zillah of the twenty-four pergunnahs, should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the town after the suit might be commenced :

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said zillah of the twenty-four pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience :

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited, be repealed.

ACT No. XXIII. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council
on the 18th November 1843.

AN ACT for amending the Law relating to the Jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other Places.

Whereas by section 12 of Regulation II. of 1803, of the Bengal Code, it was, amongst other things, provided, that the zillah courts in the provinces ceded by the Nawaub Vizier to the Honourable the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the town of Calcutta, unless such suit should relate to real property situated without the limits of Calcutta, or to the public revenue :

And whereas so much of the said regulation as is hereinbefore recited has been extended by other regulations to other provinces, zillahs and pergunnahs :

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient :

ACTS of 1843.

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the provinces ceded by the Nawaub Vizier to the East India Company, as to the other provinces, zillahs and pergunnahs to which it may have been extended.

ACT No. XXIV. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 18th November 1843.

AN Act for the better Prevention of the Crime of Dacoity.

Whereas it has been considered necessary to adopt more stringent measures for the conviction of professional dacoits, who belong to certain tribes, systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of thuggee, to persons concerned in the perpetration of dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of dacoits, either within or without the territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labour.

II. And it is hereby enacted, that any person accused of the offence of dacoity with or without murder, or of having belonged to a gang of dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by dacoity, may be committed by any magistrate within the territories of the East India Company, and may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits.

III. And it is hereby enacted, that no court shall, on trial of the offences specified in this Act, require any futwa from any law officer.

ACT No. XXV. OF 1843.

Passed by the Right Honourable the Governor-General of India in Council on the 23d November 1843.

AN Act for making the Provisions of 5 & 6 VICT., c. 47, sec. 11, applicable to India.

Whereas doubts have arisen as to whether so much of an Act passed in the fifth and sixth years of the reign of Her Majesty Queen VICTORIA, intituled, "An Act to amend the Laws relating to the Customs," as provides, "that from and after the 5th day of January 1843, any articles of foreign manufacture, and any packages of such articles imported into the United Kingdom, or into the British possessions abroad, bearing any names, brands or marks purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the territories subject to the Government of the East India Company:

It is hereby enacted, that from and after the 1st day of May 1844, any articles of foreign manufacture, and any packages of such articles, imported into the territories subject to the government of the said company, bearing any names, brands or marks, purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited.

INDEX TO THE ACTS
OF THE
SUPREME GOVERNMENT OF INDIA,
FOR 1843.

	ACT.	SECTION.	CLAUSE.
A.			
Act II. of 1838, repealed - - - - -	XIV.	I.	
— I. of 1843, concerning registration of conveyances, repealed -	XIX.	"	
— XXX. 1836, XVIII. 1837, and XVIII. 1839, extended - - -	XXIV.		
Actions, Civil and Criminal, under clauses 1 and 2, section 8, Regulation VI. 1836, Madras code, with respect to district moonsiffs, and as extended by section 13, Regulation VIII. 1816, with respect to sudder ameens, shall be brought before zillah courts -	VII.	XXIII.	
Administration of civil and criminal justice in the districts of Kurnool and Bunganapilly, in the Madras Presidency. [See Kurnool.]			
Ameen's Courts, jurisdiction and procedure of the, modified. [See Principal Sudder Ameens and Sudder Ameens] - - - -	VI.		
Americans, trial of, for offences committed within the jurisdiction of principal sudder ameens in the Madras Presidency. [See Session Judge] - - - - -	VII.	XLIII.	
Appeal to the Sudder Dewanny Adawlut, how to be disposed of when it appears to a single judge that the decision appealed from requires revision - - - - -	II.	I.	
— the above not to apply to summary appeals and those in miscellaneous cases, nor to interfere with the powers of a single judge of the Sudder Court under clause 2, section 2, Regulation X. 1831 - - - - -	"	II.	
— Special, to lie to the Sudder Courts at Calcutta, Allahabad, Madras and Bombay, from the decisions of subordinate civil courts in regular appeals, which may be inconsistent with law, practice of courts, or doubtful in these respects - - -	III.	I.	
— applications for, admissible within the limited period for regular appeals - - - - -	"	II.	
— applications to be accompanied by copies of previous decrees -	"	III.	
— applications to be heard by a single judge, and an answer called for from the opposite party - - - - -	"	IV.	
— if admissible, the judge shall grant a certificate of the points to be determined - - - - -	"	V.	
— judge may finally reject the petition for, if it appear inadmissible - - - - -	"	VI.	
— the Sudder Court shall determine only the points certified -	"	VII.	
— if the ground of appeal be incorrectly certified, the certificate may be amended - - - - -	"	VIII.	
— the existing laws of the several Presidencies relating to, shall continue in force - - - - -	"	IX.	
Appeals, Act not to affect the hearing of, pending before 1st May 1843 -	"	X.	
— from sentences of any justice of the peace in the mofussil, and from sentences of magistrates exercising jurisdiction under the Statute 63 Geo. 3, shall lie to the same authority, subject to the same regulations of the Government in cases of sentences passed by magistrates of ordinary jurisdiction. Such appeals shall not be afterwards liable to revision by a writ of certiorari -	IV.	I.	
— power of quashing convictions by a writ of certiorari in any other case to remain unaltered - - - - -	"	II.	
— Section 4, Act XXV. 1837, shall extend to interlocutory orders in appeals from the decisions of principal sudder ameens -	VI.	"	
— zillah courts in the Madras Presidency, may take cognizance of, reserved from the jurisdiction of subordinate courts - -	VII.	VI.	
— shall lie to the zillah courts from the decrees of subordinate civil courts, and of sudder ameens and district moonsiffs - -	"	VIII.	1st.
— may be received by subordinate courts from the orders of district moonsiffs under a certain provision - - - - -	"	"	2d.
— zillah judge may refer such, to any subordinate judge or principal sudder ameen in the zillah - - - - -	"	"	3d.

	ACT.	SECTION.	CLAUSE.
Appeals, in cases of, from the orders of district moonsiffs dismissed by a subordinate judge or principal sudder ameen without reference to their merits, the zillah judge may receive a summary appeal from such order of dismissal -	VII.	VIII.	4th.
from decisions of zillah courts shall lie to the Sudder Adawlut, under rules applicable to provincial courts -	"	IX.	
a single judge of the Sudder Adawlut may dispose of, from the decisions of any inferior courts -	"	X.	2d.
translations of papers shall not be required to be furnished by inferior courts to the Sudder Adawlut in cases of -	"	XII.	
from the sentence or order of magistrates vested with additional powers in the Madras Presidency, may be preferred to session judges in what description of cases -	"	LV.	
pending before provincial courts in the Madras Presidency on the date of their abolition, how to be disposed of -	VIII.	I.	
judges appointed for the disposal of such, to be styled Special Commissioners -	"	II.	
the Special Commissioner to take the oath prescribed for judges of provincial courts -	"	III.	
what description of suits shall be transferred by him to the zillah court -	"	IV.	
in trying original suits and, he shall have the power of two or more judges of the provincial courts -	"	V.	1st.
what course to be taken by the Special Commissioner when he differs from the lower court in cases of special -	"	"	2d.
execution of decrees of the Special Commissioners, and also of the provincial courts for which process was not issued, to whom to be committed -	"	VI.	
zillah courts shall complete execution of decrees of the provincial courts under process previously issued -	"	VII.	
shall lie to the Sudder Adawlut from decisions of zillah judges, assistant judges and principal sudder ameens, passed previously to the abolition of the provincial courts, in cases in which the time for appealing had not expired at the date of their abolition -	"	VIII.	
ministerial officers and vakeels of the Courts of Special Commissioners to be subject to the rules applicable to those of the provincial courts -	"	IX.	
Articles of foreign manufacture bearing names, brands or marks of British manufactures, imported into the Company's territories, shall be forfeited -	XXV.		
Assistant judges appointed to zillah courts, power of. See Courts.			
B.			
Bank at Madras, how incorporated -	IX.	I.	
shares not paid for before 1st May 1843, how to be disposed of -	"	II.	
what shall be the capital stock of the, and who shall be the proprietors of the stock -	"	III.	
Government of India may increase the capital stock, by opening new subscriptions -	"	IV.	
the stock of the, how to be divided, and what shall be the value of each share -	"	V.	
notice being given of the opening of the, it may sue and be sued by its corporate name, and may also acquire and hold any description of property, and convey the same -	"	VI.	
on the opening of the, the business of the present Government Bank of Madras shall cease, and all its cash notes then outstanding be paid by the new -	"	VII.	
amount paid on account of notes of the Government Bank, how to be repaid to the -	"	VIII.	
a certificate to be granted to each proprietor for one or more shares -	"	IX.	
number of shares to be held by each proprietor limited, and not to be increased, except as mentioned -	"	X.	
shares of, may be transferred by endorsement -	"	XI.	
the corporate body of the, shall be composed of the registered proprietors for the time being -	"	XII.	
business of the, shall be managed by nine directors, and these by whom to be appointed and removed -	"	XIII.	
rule prescribed for the election of directors -	"	XIV.	
two directors out of six elected by the proprietors, shall go out by rotation annually, and a general meeting of proprietors shall be held for supplying their place -	"	XV.	
provision in case of casualties, &c., occurring in the direction -	"	XVI.	

	ACT.	SECTION.	CLAUSE.
Bank at Madras, what would disqualify a proprietor from becoming a director - - - - -	IX.	XVII.	
every election and other matters shall be decided by a majority of votes; proprietors by purchase not allowed to vote until after a certain period - - - - -	"	XVIII.	
Scale regulating votes of proprietors - - - - -	"	XIX.	
Government may vote by proxy, such proxy having four votes - - - - -	"	XX.	
individual proprietors may vote by proxy, and in what manner - - - - -	"	XXI.	
directors may appoint a president from among themselves, who shall have a casting vote - - - - -	"	XXII.	
no less than three directors shall form a board for the transaction of business - - - - -	"	XXIII.	
accounts and instruments not valid, unless signed by three directors, and the latter sealed in their presence - - - - -	"	XXIV.	
establishment for conducting business shall be under the directors; expense limited to 50,000 rupees per annum - - - - -	"	XXV.	
certain of the officers shall not engage in any commercial business, and shall each give security for 50,000 rupees - - - - -	"	XXVI.	
kinds of business in which the bank shall engage - - - - -	"	XXVII.	
negotiable securities shall not be discounted, nor loans made, unless funds to certain extent are available for meeting outstanding claims - - - - -	"	XXVIII.	
terms on which loans and advances shall be made on negotiable securities; limitation of period and amount - - - - -	"	XXIX.	
loans how to be made on public securities and deposit of goods - - - - -	"	XXX.	
shall not advance to Government more than rupees seven lacs and a half at a time - - - - -	"	XXXI.	
no person allowed to overdraw - - - - -	"	XXXII.	
may issue promissory notes payable on demand or at 30 days' date to the extent mentioned - - - - -	"	XXXIII.	
issue of notes, bills, &c., to be confined within the limits of India - - - - -	"	XXXIV.	
deposit of goods not perishable may be received - - - - -	"	XXXV.	
books shall be balanced on the 30th June and 31st December every year, and a statement of the balance sent to the Government, who may demand any information touching the affairs of the bank - - - - -	"	XXXVI.	
rule regulating dividends of the profits - - - - -	"	XXXVII.	
general meeting of the proprietors shall be held on the first Monday of March every year - - - - -	"	XXXVIII.	
three directors or ten proprietors may convene a meeting upon fifteen days' previous notice of the meeting, and its purpose - - - - -	"	XXXIX.	
branch banks may be established under the rules and restrictions prescribed by this Act for the bank itself - - - - -	"	XL.	
mode of recovering payment from proprietors who may be in debt to the bank - - - - -	"	XLI.	
shall continue as now constituted until 1st July 1850, and thereafter until dissolved, which it shall not be without a previous notice of twelve months; bank to forfeit all benefit of this Act in suspending any cash payment - - - - -	"	XLII.	
Schedules of the names of proprietors - - - - -	"		
Bunganapilly, in the Madras Presidency; administration of justice and collection of revenue in the district of. See Kurnool.			
C.			
Calcutta; jurisdiction of the 24-pergunnahs zillah court in suits against residents of. See 24-Pergunnahs.			
jurisdiction of courts in the provinces ceded by the Nawaub Vizier, and other zillah courts. See Provinces and Courts.			
Cases, criminal, pending at the time of the abolition of zillah and provincial courts in the Madras Presidency, how to be disposed of Commissioners appointed to investigate the public conduct of officers within the Madras Presidency. See Inquiries.	VII.	LVI.	
Conduct, public, of officers under the Government of Madras not removable without its sanction; inquiries held into. See Inquiries.			
Conveyances of Lands in the Mofussils of Bengal, Madras and Bombay, registration of, regulated - - - - -	I.		
Cotton, duty on, imported into the North-Western Provinces. See Duties.			
Courts of Justice within the Company's territories shall write their decisions, &c., in what language. See Decisions.			
provincial, in the Madras Presidency abolished - - - - -	VII.	I.	
Zillah, established in the Madras Presidency to be superintended by one judge, to be styled Civil and Session Judge - - - - -	"	II.	

	ACT.	SECTION.	CLAUSE.
Courts, shall exercise what jurisdiction and authority, and be subject to what rules and restrictions -	VII.	III.	
original jurisdiction of the provincial courts in suits for less than 10,000 rupees transferred to the subordinate zillah courts -	"	IV.	
shall take cognizance of appeals which by Section VIII. of Regulation VII., 1827, are reserved from the subordinate courts	"	VI.	
Zillah, appeals shall lie to the, from the decrees of subordinate civil courts and of sudder ameens and district moonsiffs -	"	VIII.	1st.
Subordinate, may receive appeals from the orders of district moonsiffs under certain circumstances mentioned -	"	"	2d.
the judge of, may refer such appeals to any subordinate judge or principal sudder ameen in the zillah -	"	"	3d.
the judge of, may receive summary appeals from the orders of subordinate judges or principal sudder ameens in cases of appeals from the decisions of district moonsiffs dismissed by subordinate judges or principal sudder ameens, without reference to the merits -	"	"	4th.
appeals from the decisions of, shall lie to the Sudder Adawlut under rules applicable to the provincial courts -	"	IX.	
may confirm the decision of inferior courts, or refer it back to the court whose order is appealed against -	"	XI.	
Zillah, may refer the execution of decrees of the Sudder Adawlut and of their own courts to the subordinate judges or principal sudder ameens -	"	XIV.	
all other processes of the Sudder Adawlut and those of the, by whom to be served -	"	XV.	
the power of suspending sudder ameens vested in the judges of parts of Regulations VI. and VII. 1816, in which zillah judge is mentioned shall be applicable to, excepting Section LVI., Regulation VI., 1816, which shall be applicable to subordinate judges and principal sudder ameens, as extended by Section V., Regulation III. 1833 -	"	XVI.	
may employ district moonsiffs for the purposes specified in Sections LX. and LXI., Regulation VI., 1816 -	"	XVII.	1st.
may call up, under section LIV., Regulation VI. 1816, any cause pending before a district moonsiff, and may refer it to courts named -	"	"	2d.
may refer to the subordinate judges and principal sudder ameens, applications for the execution of decrees of district punchayets -	"	XVIII.	
Zillah, may pass orders on complaints preferred under Section XI., Regulation VII. 1816, according to clause 4 thereof -	"	XX.	
ditto - ditto - ditto, under Section XXVII., Regulation VII. 1832 -	"	XXI.	
shall exercise the criminal jurisdiction heretofore exercised by the courts of circuit -	"	XXII.	
shall hold permanent sessions for the trial of persons committed by the subordinate judges or principal sudder ameens [See Sessions] -	"	XXVI.	
Prosecutions against magistrates and their assistants under Section XLIII. Regulation IX. 1816, to be instituted in the -	"	XXVII.	
may exercise the power of subordinate civil and criminal courts constituted according to Regulations I. and II., or Regulations VII. and VIII., 1827, besides that of its own -	"	XXXVIII.	
Subordinate officers and vakeels appointed to, shall be subject to what rules -	"	XLV.	
law officers, ditto - ditto - ditto -	"	L.	
Zillah, assistant judges appointed to, may try appeals referred to them by the judge -	"	LI.	
Government may change the stations and local jurisdiction of; also abolish and establish new -	"	LII.	
criminal cases depending before the abolition of the former civil and criminal zillah courts, how to be disposed of -	"	LIII.	
Zillah, law concerning jurisdiction of, in provinces ceded by the Nawab Vizier and other zillah courts, over persons residing in Calcutta, amended -	"	LVI.	
Criminal jurisdiction of courts of circuit vested in zillah courts. See Courts.	XXIII.		
Criminal cases depending at the time of the abolition of the zillah and provincial courts -	VII.	LVI.	
D.			
Dacoits, persons proved to have belonged to gangs of, within or without the Company's territories, how punishable [See Acts.]	XXIV.	I.	
persons accused of dacoity with or without murder, or of having belonged to a gang, or of receiving stolen property, may be committed by any magistrate, and tried by any court -	"	II.	

	ACT.	SECTION.	CLAUSE.
Dacoits; in such trials, futwa of law officers not requisite - - -	XXIV.	III.	
Dacoity, persons sentenced to imprisonment or transportation for, by courts within the territories of native states may be kept in custody within the Company's territories. <i>See Thuggee.</i>			
Decisions, &c. of the Sudder and Zillah Courts, and of the subordinate or assistant judges of zillahs, shall be written originally in English at the time of pronouncing the decision, and then translated into the vernacular language of the court - - -	XII.	I.	
— regulations of the Madras and Bombay Code concerning the use of the English language in certain of the Company's courts of justice in particular cases to remain unaffected - -	"	II.	
— of principal sudder ameens, sudder ameens and moonsiffs shall be written in their own language, and then translated in the language used in the court - - -	"	III.	
Decrees, execution of, passed by judges and principal sudder ameens in appeal from decision of sudder ameens and moonsiffs. <i>See Sudder Ameens and Moonsiffs.</i>			
— of the Sudder Adawlut in the Madras Presidency, the execution of, may be referred by the zillah courts to the subordinate judges and the principal sudder ameens - - -	VII.	XIV.	
— in Company's courts of justice; language in which they are to be written. <i>See Decisions.</i>			
Deputy collector under Regulation IX. 1833; no native or natural-born subject of Her Majesty within the Company's territories by reason of religion, place of birth, descent or colour disabled from serving as - - -	XV.	VI.	
Deputy magistrates, uncovenanted, employment of. <i>See Uncovenanted Deputy Magistrates.</i>			
Duties of customs; rates of, to be levied upon import of salt into the north-western provinces, and on its transmission to the east of Allahabad; and on cotton cleaned and uncleaned; also on the export of sugar, refined and unrefined; import of sugar into the north-western provinces to remain prohibited - - -	XIV.	II.	
— government of the north-western provinces may issue orders for the collection of; in such manner, on such lines and at such places as may be expedient - - -	"	III.	
— articles imported or exported without payment of, or contrary to the orders of government, shall be seized and confiscated, with their respective conveyances - - -	"	VI.	
— evasion of payment of, or acting contrary to the provisions of this Act or order of government, how punishable -	"	VII.	
Duties; carriages and conveyances and packages may be searched upon suspicion - - -	"	VIII.	
— collectors of land revenue and customs, or their deputies, shall report seizures of articles to the revenue commissioner, who shall dispose of the case as he may think fit - - -	"	IX.	
— customs officers may make over to the magistrates for trial persons suspected of being liable to punishment under this Act -	"	X.	
— customs officers searching conveyances or packages, or apprehending persons without reasonable grounds, how punishable -	"	XI.	
— magistrates shall try persons made over to them under this Act, and their sentences shall be open to appeal, as in ordinary cases - - -	"	XII.	
— officers of police and land revenue required to assist the customs officers - - -	"	XIII.	
— Act not applicable to the Saugor and Nerbudda territories or districts of Ajmere - - -	"	XIV.	
E.			
Emigration of labourers to Mauritius confined to the port of Calcutta, for securing a larger proportion of female emigrants - - -	XXI.	I.	
— Government of India may appoint a protector of emigrants at Calcutta, who shall countersign certificates from the agent appointed by the Mauritius Government of persons engaged as emigrants - - -	"	II.	
Europeans, trial of, for offences committed within the jurisdiction of principal sudder ameens, in the Madras Presidency. [<i>See Session Judge</i>] - - -	VII.	XLIII.	
Execution of decrees passed by judges or principal sudder ameens, in appeal from decision of sudder ameens and moonsiffs. [<i>See Sudder Ameens and Moonsiffs.</i>]			
— of decrees of the Sudder Adawlut in the Madras Presidency. [<i>See Decrees.</i>]			
— of decisions of district Punchayets. <i>See Punchayets.</i>			

	ACT.	SECTION.	CLAUSE.
Execution of decrees of the Special Commissioners appointed to dispose of cases pending on the abolition of the provincial courts of appeal in the Madras Presidency, and of the provincial courts for which process was not issued. [See Appeals] - - -	VIII.	VI.	
F.			
Foreign articles bearing names, marks or brands, of British manufacturers, imported into the Company's territories, shall be forfeited - - -	XXV.		
Foujdaree Adawlut, a single judge of, may reverse the proceedings of any inferior court, provided the reversal be in favour of the accused - - -	VII.	XXXIII.	
- if a single judge concur with the session judge, whether for conviction or acquittal, he may pass a final sentence, except for capital punishment - - -	"	XXXIV.	
- on a review of the abstract statement of prisoners punished without reference, may mitigate the sentence passed by session judges which may appear illegal or too severe, and may annul sentences which may be opposed to regulations in force -	"	XXXV.	
G.			
Governor-General may exercise powers of the Governor-General in Council during his absence from Calcutta, except making laws and regulations - - -	XX.	I.	
- Act when to take effect - - -	"	II.	
H.			
Hereditary officers under the Bombay Presidency, employed in any department of the administration of the country, shall render their services to the collector or other officer under whose control they may be placed - - -	XI.	"	
- when duties of, fall in more than one department, Government shall prescribe under whose control they shall be placed - - -	"	III.	
- under the Bombay Presidency, selection of; how to be made when their duties are to be performed in rotation by different sharers - - -	"	IV.	
- controlling officer may refuse to confirm the nomination by the sharers of any individual; appeal against such decisions shall lie to the Government - - -	"	V.	
- officiating, may be punished by controlling officers for misconduct or neglect of duty, and in what manner - -	"	VI.	
- officiating may, after due investigation, be dismissed by controlling officers for misconduct or incompetency, subject to the approval of the Government - - -	"	VII.	
- in holding an investigation as above, the controlling officer shall have the power of a magistrate - - -	"	VIII.	
- being convicted of any criminal offence, Government may direct confiscation of the wuttun, and appoint persons for the performance of their duties; the surplus proceeds of the wuttun how to be disposed of - - -	"	IX.	
- duties of shall not be performed by females in person - - -	"	X.	
- when disqualified from acting themselves may appoint deputies, and in default of their so doing, the controlling officer may appoint - - -	"	XI.	
- deputies shall be subject to the same rules and penalties as their principals, and if deputies appointed by the hereditary officers are convicted, the wuttun of office shall be confiscated - - -	"	XII.	
- in the Bombay Presidency; right of sharers to participate in the rents and profits of any hereditary office, provisions being made for the fit maintenance of the officiating hereditary officer - - -	"	XIII.	
- fit remuneration may be assigned to deputies appointed by controlling officers from the profits of the office -	"	XIV.	
- applicability of the terms "hereditary district or village office or officers," or "hereditary district village revenue office or officers" - - -	"	XV.	
I.			
Inquiries into the public conduct of officers within the Madras Presidency not removable without the sanction of Government, and subject to the courts of Sudder and Foujdaree Adawlut, or the Board of Revenue; what preliminary steps shall be taken by the court or board before making - - -	XIII.	II.	

	ACT.	SECTION.	CLAUSE.
Inquiries into charges against such officers to be preferred by the complainant to the sudder court or the board of revenue, who may call for explanations from the accused party - - -	XIII.	III.	
— charges may also be made before any judge, magistrate or collector, who shall send depositions of the complainant to the sudder court and the board of revenue, as the case may be -	"	IV.	
— charge not admissible unless made upon oath - - -	"	V.	
— sudder court and the board may dismiss the charge if they do not see sufficient reason for entering into the inquiry, notifying such dismissal to the Government - - -	"	VI.	
— sudder court and board may require the complainant to furnish security for prosecuting the charge to a conclusion -	"	VII.	
— the sudder court and board may institute inquiries into matters implicating the conduct of public officers appearing in the course of any proceedings before them, for reporting to the Government, although no charge be preferred - -	"	VIII.	
— if deemed necessary, Government may appoint commissioners for making a regular inquiry - - -	"	IX.	
— such commissioner to be placed under what control - -	"	X.	
— form of oath to be taken by the commissioners - - -	"	XI.	
— Government to decide whether the prosecution shall be conducted by the accuser or the Government - - -	"	XII.	
— forms of procedure of the commission - - -	"	XIII.	
— commissioner to be vested with the power of zillah courts, except in certain respects, as mentioned - - -	"	XIV.	
— both the accused and accuser may record their respective remarks and observations at the close of the evidence for the prosecution and defence - - -	"	XV.	
— after the conclusion of the proceedings, commissioners shall submit them to the Government, or the controlling court or board, as the case may be, with their own opinion - -	"	XVI.	
— Government or controlling court or board may call for further evidence and explanation - - -	"	XVII.	
— the court or board, after receipt of the commissioner's report, shall submit the proceedings to the Government, with their own opinion as to what charges have been established -	"	XVIII.	
— on a special commission being appointed, Government shall decide whether the accused officer shall be suspended from office, and whether he shall draw his allowances or not - -	"	XIX.	
— on consideration of the proceedings, Government will pass such decision as may appear consistent with its power, and if necessary instruct its law officers to prosecute the accused before a court of law; aggrieved parties may at all times seek redress by law against the accused - - -	"	XX.	
J.			
Jail, Zillah, in the Madras Presidency shall be placed under the session judge, under what circumstances - - -	VII.	XLVII.	
— to be placed under the charge of the judge of the subordinate criminal court, under what circumstances - - -	"	XLIX.	
Judicial system of the Madras Presidency modified. See Courts.			
Justice, administration of civil and criminal, in the districts of Kurnool and Bunganapilly, in the Madras Presidency. See Kurnool.			
Justice of the peace in the Mofussil, law concerning appeals from, amended. [See Appeals] - - -	IV.		
K.			
Kurnool and Bunganapilly in the Madras Presidency, administration of civil and criminal justice and police and superintendence of all revenue affairs in the districts of, may be vested in an agent and his assistants - - -	X.	I.	
— Government may prescribe rules for guidance of agent and his subordinates, and fix the limit of the agent's final civil jurisdiction, and of appeals to the Sudder Adawlut; and may define his authority in criminal trials, and what cases shall be submitted to the Foujdaree Adawlut - -	"	II.	
— on trials referred, Foujdaree Adawlut shall pass judgment or order as in cases from a judge of circuit -	"	III.	
— civil appeals to be decided by Sudder Adawlut as appeals from provincial courts - - -	"	IV.	
— Government may alter the limits of the agent's jurisdiction - - -	"	V.	

	ACT.	SECTION.	CLAUSE.
L.			
Lands in the Mofussils of Bengal, Madras and Bombay, registration of the conveyances of, regulated [See Conveyances]	I.		
Language in which decisions of Company's courts of justice shall be recorded. See Decisions.			
Law officers to the zillah courts in the Madras Presidency [See Courts]	VII.	LI.	
M.			
Magistrates, law concerning appeals from, acting under stat. 53 Geo. 3, c. 155, amended. See Appeals.			
and their assistants in the Madras Presidency may be prosecuted under Section XLIII. Regulation IX. 1816, in the zillah courts	"	XXXVIII.	
and their assistants to be reported to the Foujdaree Adawlut by the session judge for any neglect or delay on their part by which the course of justice has been impeded	"	XLI.	
in the Madras Presidency, the powers of, under Regulation IX. of 1816, extended	"	LIV.	1st.
may exercise the powers of criminal judges, as under Section VII. Regulation X. of 1816	"	"	
what shall be the form of their procedure in such case	"	"	2d.
appeals from the sentence or orders of, may be preferred to session judges in such cases	"	LV.	
Mauritius, emigrants to. See Emigration.			
Moonsiffs, such parts of Regulation XXIII. 1814, Bengal Code, as prohibit, from requiring security from defendants attaching their property or realizing fines, repealed	VI.	III.	
may demand security from the defendants, under Sections IV. and V. Regulation II. 1806, and realize fines imposed by them	"	IV.	
shall execute decrees of the judges or principal sudder ameens, in appeals from their decisions; applications for such executions where to be made; judge's decision, in appeals from the orders of moonsiffs in such cases, to be final	"	V.	
no person, by reason of place of birth or descent, shall be exempted in civil proceedings from the jurisdiction of	"	VII.	
may receive and try suits of every description, under the restrictions as in clauses I. II. and III. Section V. Regulation V. 1831, except in cases mentioned	"	VIII.	
may receive and forward to the judge cases which it may be objectionable for him to try, for reasons stated, in order that the judge may refer them to another moonsiff	"	IX.	
in the Madras Presidency may be employed by subordinate judges, principal sudder ameens, and judges of zillah courts, for purposes mentioned in Sections LX. and LXI. Regulation VI. 1816	VII.	XVII.	2d.
cases pending before, may be called up under Section LIV. Regulation VI. 1816, by the zillah judge, and referred to other courts, as mentioned	"	XVIII.	
suits forwarded to the zillah judge by, Clause 2d, Section III. Regulation I. 1829, in which they may be interested, how to be disposed of	"	XIX.	
civil actions and criminal prosecutions under Clause 1, and Section VIII. Regulation VI. 1816, with respect to district, shall be brought before the zillah courts	"	XXIII.	
N.			
Nawaub Vizier, law relating to the jurisdiction over residents of the town of Calcutta, of the zillah courts in the provinces ceded to the Company by the, amended	XXIII.		
O.			
Officers, European, and others within the Madras Presidency, not removable without the sanction of Government, inquiries into the public conduct of. See Inquiries.			
P.			
Police, dismissal of native officers of, by the Foujdaree Adawlut for misconduct	VII.	XXXIX.	1st.
superintendence of, in the districts of Kurnool and Bungana-pilly, in the Madras Presidency. See Kurnool.			
Principal Sudder Ameens shall be guided in the decision of original suits by the rules of the judges' courts	VI.	I.	

	ACT.	SECTION.	CLAU SE.
Principal Sudder Ameens, section IV. Act XXV. 1837, shall extend to interlocutory orders, in cases appealed from the decision of -	VI.	II.	
in the Madras Presidency how to act, in cases where he has to call upon collectors or other European officers in matters before their courts -	VII.	VII.	1st.
shall take what course, if such officers do not comply with their requisitions -	"	"	2d.
may confirm the decision of inferior courts if there be no sufficient ground for impugning its correctness, without reference to the order of the file, or requiring the attendance of the opposite party; or may refer it back for revision to the court whose order is appealed against -	"	XI.	
may commit to the session judge prisoners brought before them charged with crimes subject to his jurisdiction [See Session Judges] -	"	XXIX.	
may communicate directly with the district police officers for obtaining evidence in cases of prisoners forwarded by them -	"	XLII.	
trial of Europeans and Americans, for offences committed within the jurisdiction of [See Session Judges] European, at Cochin, may exercise all the powers of a criminal court constituted under Regulation II. 1827, and of a joint magistrate -	"	XLIII.	
Processes of the Sudder Adawlut in the Madras Presidency. described in Sections XIII. and XIV. of Regulation V. of 1802, to be directed to the zillah courts -	"	XLVII.	
all other, of the said court by whom to be served -	"	XIII.	
Property subject to any trust vested in registrar of the supreme court, when trustees to such property are incapable of acting as such. See Trustee.	"	XV.	
Provinces ceded by the Nawaub Vizier, law relating to the jurisdiction of zillah courts in the, and other zillah courts over persons residing in Calcutta, amended -	XXIII.		
Provincial courts of appeal and circuit in the Madras Presidency abolished, and new zillah courts established instead [See Courts] -	VII.	I.	
criminal cases pending before, at the time of their abolition how to be disposed of -	"	LVI.	
courts of appeal in the Madras Presidency, disposal of cases pending before, on the date of their abolition. [See Appeals and Suits] -	VIII.		
Punchayets, applications for the execution of decisions of district, may be referred by zillah judges to subordinate judges and principal sudder ameens -	"	XX.	
R.			
Registrar of supreme court vested with the administration of trust property, when the trustee of such property is incapable of acting. See Trustee -			
Registration* of conveyances of lands within the mofussils of Bengal, Madras and Bombay, regulated -	I.		
of deeds of sale, gift or mortgage, law respecting, amended for removing doubts as to their authenticity -	XIX.	II.	
confined to particular conveyances or instruments affecting title to land -	"	III.	
Regulations of the Bengal, Madras or Bombay Codes, touching the invalidity of conveyances affecting titles to lands, owing to the knowledge by parties registering such conveyances of the existence of an unregistered conveyance of the same, repealed. See Conveyances.			
Regulation XXV. 1814, Bengal Code, Section XVI. of, modified [See Appeals] -	II.		
V. 1831, Bengal Code, Clause IV. Section XVIII. of, modified -	VI.	I.	
XXIII. 1814, Bengal Code, parts of, repealed -	"	III.	
II. 1806, Bengal Code, Sections IV. and V. of, extended to sudder ameens and moonsiffs -	"	IV.	
V. 1831, Bengal Code, Section XXII. of, modified -	"	V.	
XXIII. 1814, Bengal Code, Clause IV. Section XIII. of, repealed -	"	VI.	
V. 1831, same Code, Clause IV. Section V. of, repealed -	VII.	V.	
VII. 1827, Madras Code, Section VII. of, rescinded -	"	VII.	
Ditto, ditto, ditto, Section IX. of, modified -	"		

* Repealed by Act XIX. of 1843.

	ACT.	SECTION.	CLAUSE.
Regulations of the Madras Code, requiring inferior courts to furnish the Sudder Adawlut with translations of papers, rescinded	VII.	XII.	
Regulation V. of 1802, Madras Code, Sections XIII. and XIV. of, modified	"	XIII.	
III. 1833, same Code, Section VI. of, modified	"	XVI.	
VI. and VII. of 1816, all parts of, in which zillah judge is mentioned shall be applicable to zillah courts, excepting Sect. LVI. Regulation VI. 1816, which shall be applicable to subordinate judges and principal sudder ameen, as extended by Sect. V. Regulation III. of 1833, of the same Code	"	XVII.	1st.
VI. of 1816, same Code, all parts of, in which provincial court is mentioned, shall be applicable to Sudder Adawlut	"	"	
VIII. 1816, same Code, Section III. of, rescinded	"	XXIV.	
VIII. 1816, same Code, Section XIV. of, modified	"	XXV.	
XIII. 1832, same Code, Section II. of, rescinded	"	XXXVIII.	
X. 1816, same Code, Clauses I. and III. Section IX. of, modified	"	XXIX.	
III. 1833, of the same Code, Section II. of, modified	"	XXXVI.	
Section XXVI. Regulation X. 1816, Clauses II. and III. Section IV. Regulation II. 1822, Clause II. Section V. and Clauses II. and IV. Section VIII. Regulation VI. 1827, Madras Code made applicable to session judges	"	XXXVII.	
IX. 1816, Madras Code, Section XLIII. of, modified	"	XXXVIII.	
XIII. 1832, same Code, Section III. of, modified	"	XXXIX.	
XVI. 1827, Bombay Code, Sections XVII. and XVIII. of, rescinded	"		
III. 1809, II. 1810, VI. 1818, and VIII. 1822, Madras Code, repealed	XI.	I.	
XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and other Regulations and Acts as affect Customs duties or manufacture of salt in the North-Western Provinces of the Bengal Presidency, repealed	XIII.	"	
IX. 1808, Bengal Code, Sections II. and III. of, and Regulation XVI. 1810, Sections XVI. and XVII. of, respecting the offering of rewards for the apprehension of offenders, repealed	XIV.	"	
III. 1793, part of Section XVII. of, as relates to the jurisdiction of zillah, 24 pergunnahs, repealed [See Twenty-four-Pergunnahs]	XVI.	"	
II. 1803, Bengal Code, Section XII. of, as regards the jurisdiction of zillah courts in the provinces ceded by the Nawaub Vizier to the Company over residents in Calcutta, and other regulations extending the same to other provinces, zillahs and pergunnahs, repealed	XXII.		
Revenue, collection and superintendence of, in the districts of Kurnool and Bunganapilly. See Kurnool	XXIII.		
Rewards, rules respecting the offering of, for the apprehension of offenders, amended	XVI.		
S.			
Salt, rates of duty on import of, in the North-Western Provinces	XIV.	II.	
manufacture of alimentary, throughout the North-Western Provinces of Bengal, without sanction of Government prohibited under penalty	"	IV.	
Collector of Customs and Land Revenue may destroy all works for the manufacture of salt, seize the salt and commit the persons concerned to the magistrate	"	V.	
Session judges in the Madras Presidency shall proceed in what manner in trying prisoners committed before them	VII.	XXX.	
to be associated by the Mahomedan law officer of their courts in the trial of prisoners subject to the regulations applicable to law officers sitting with the courts of circuit	"	XXXI.	
may avail of the assistance of native assessors or members of their courts, and in what manner	"	XXXII.	1st.
the law officer to be one of the assessors or jury	"	"	2d.
shall pass the decision according to their own opinion whether they agree with the assessors or not; if they differ, the case to be referred to the Foujdaree Adawlut for confirmation	"	"	3d.
may overrule judgments passed by sudder ameen in criminal cases	"	XXXVI.	
Section XXIV. Regulation X. 1816, Clauses II. and III. Section IV. Regulation II. 1822, Clause II. Section V., and Clause II. and IV. Section VIII. Regulation VI. 1827. made applicable to	"	XXXVII.	

	ACT.	SECTION.	CLAUSE.
Session Judges, prosecutions against magistrates and their assistants under Section XLIII. Regulation IX. 1816, shall be instituted in the court of	VII.	XXXVIII.	
— shall notify to the Foudaree Adawlut the misconduct of native police officers noticed by them in a case investigated by themselves, or by subordinate judges or principal sudder ameens	"	XXXIX.	1st.
— shall furnish a copy of their report to the magistrate, and the Foudaree Adawlut shall pass a final order on receipt of the magistrate's answer	"	"	2d.
— shall notify to the magistrate any minor offences of subordinate officers of police, and record such notifications in the periodical returns to the Foudaree Adawlut	"	XL.	
— shall notify to the Foudaree Adawlut any neglect of the magistrate or his subordinate officers, by which the course of justice has been impeded	"	XLI.	
— may communicate directly with the district officers of police for obtaining evidence in cases of prisoners forwarded by them	"	XLII.	
— may try Europeans and Americans for offences committed within the jurisdiction of the principal sudder ameen, and not punishable by the magistrate	"	XLIII.	
— may take cognizance of criminal cases subject to the jurisdiction of the subordinate courts and their own, and sent by the magistrate	"	XLIV.	
— may exercise the criminal jurisdiction of subordinate courts constituted under Regulations I. and II. or VII. and VIII. 1827	"	XLV.	
Single Judge of the Foudaree Adawlut, power of, in the reversal of the decisions of inferior courts. <i>See</i> Foudaree Adawlut.			
Slavery, sale of persons in execution of decrees or on account of demand of revenue, and the right to the compulsory labour of persons on the ground of, prohibited	V.	I.	
— right of property in the person and services of another as a slave not to be enforced by any civil or criminal court	"	II.	
— property acquired by slaves protected	"	III.	
— penal offences done to slaves how cognizable	"	IV.	
Special Appeals. <i>See</i> Appeals.			
— commissioners to be appointed for the disposal of cases pending before the late provincial courts in the Madras Presidency. <i>See</i> Appeals and Suits.			
Stolen property, persons accused of receiving from others concerned in dacoities committed within or without the Company's territories, how punishable. <i>See</i> Dacoits.			
Subordinate judges in the Madras presidency may confirm the decision of lower courts, or refer it back to the court whose order is appealed against	VII.	XI.	
— may employ district moonsiffs for the purposes specified in Sections LX. and LXI., Regulation VI. 1816	"	XVII.	2d.
— may commit to the session judge prisoners brought before them charged with crimes subject to his jurisdiction	"	XXIX.	
— may communicate directly with district police officers for obtaining evidence in cases of prisoners forwarded by them	"	XLII.	
— officers appointed to zillah courts. <i>See</i> Courts.			
Sudder Ameens, parts of Regulation XXIII. 1814, Bengal Code, which prohibit from requiring security from defendants, or attaching their property or realizing fines, repealed	VI.	III.	
— may demand security from defendants under Sections IV. and V. Regulation II. 1806, and realize fines imposed by them	"	IV.	
— shall execute decrees of the judges or principal sudder ameens in appeals from their decisions, applications for such executions where to be made, judge's decision in appeals from the orders of the moonsiffs in such cases to be final	"	V.	
— the power of suspending, vested in zillah courts in the Madras Presidency	VII.	XVI.	
— in the Madras Presidency, civil and criminal actions under Clauses I. and II. Section VIII. Regulation VI. 1816 as extended by Section XIII. Regulation VIII. 1816 with respect to sudder ameens, shall be brought before the zillah courts	"	XXIII.	

	ACT.	SECTION.	CLAUSE.
Sudder Ameens may order execution of decisions passed by them, and issue all process relative to proceedings before them, and may realize fines -	VII.	XXV.	
at detached stations may receive and dispose of civil suits within his jurisdiction without the intervention of the zillah judge, as also criminal cases sent by the police -	"	XLVI.	
the zillah gaol shall be under the, when the subordinate criminal court is constituted according to Regulation VIII of 1827 -	"	XLVIII.	
when placed under subordinate criminal court, the gaol to be visited by -	"	XLIX.	
Sudder Dewanny Adawlut, how shall a single judge of act when of opinion that the decision appealed from should be reversed or altered. See Appeals.			
Sudder Adawlut at Madras, appeals from orders of zillah courts to lie to -	"	IX.	
a single judge of competent to hold sittings and pass orders on all matters -	"	X.	1st
he may confirm the decision of any inferior court, or refer it back to the court the order of which is appealed against -	"	"	2d
he may call for proceedings or explanations of the lower courts before deciding a case of appeal -	"	"	3d
he may stay the execution of the order of any inferior court until the passing of a final decision -	"	"	4th
shall no longer be furnished by inferior courts with translations of papers in cases of appeals -	"	XII.	
processes issued from the, under sections XIII. and XIV. Regulation V. of 1802, to be directed to the zillah courts -	"	XIII.	
execution of the decrees of, may be referred by the zillah courts to the subordinate judges or principal sudder ameens -	"	XIV.	
processes issued by, by whom to be served -	"	XV.	
all parts of Regulation VI. of 1816, Madras Code, in which provincial court is mentioned, shall be applicable to -	"	XVII.	1st
Sugar, refined and unrefined, rates of duty on, exported from the North-Western Provinces of Bengal -	XIV.	II.	
imported into the said provinces to be seized and confiscated -	"	VI.	
Suits, original, principal sudder ameens shall be guided by what rules in the decision of -	VI.	I.	
pending before provincial courts of appeal in the Madras Presidency on the date of their abolition, how to be disposed of -	VIII.		
Supreme Court may appoint the registrar or any other officer of such court to act as trustees of any property subject to trust, when the trustee of such property is incapable of acting as such. See Trustee.			
T.			
Thuggee, persons sentenced to imprisonment or transportation for, or dacoity, by courts within the territories of native states in alliance with the Company may be kept in custody within the Company's territories; a covenanted officer of the Company to be one of the presiding judges at the trial of such offenders [See Dacoity] -	XVIII.		
Translations of papers in the vernacular languages not required to be furnished by the inferior courts in the Madras Presidency to the Sudder Adawlut in appeal and other cases -	VII.	XII.	
Trustee, Supreme Court may appoint the registrar or other officer of such court to act as official in cases of trust property, when the trustee is incapable of acting as such -	XVII.	I.	
the property, how to be invested, and the officer entitled to what commission -	"	II.	
Supreme Court may make orders on petitions respecting such property, or the interest thereof -	"	III.	
property may be re-transferred to the original or subsequently appointed trustees -	"	IV.	

	ACT.	SECTION.	CLAUSE.
Trustee, parties may pay to the official trustee gifts and legacies due to infants or lunatics - - - - -	XVII.	V.	
provisions of this Act, except as regards the rate of commission, shall extend to any property of infants or lunatics in the hands of the ecclesiastical registrar - - - - -	- - -	VI.	
Twenty-four Pergunnahs; law relating to the jurisdiction of zillah, as regards persons residing in Calcutta, against whom suits have been instituted there, amended - - - - -	XXII.		
U.			
Uncovenanted Deputy Magistrates, government of Bengal and North-Western Provinces may appoint in any district one or more - - -	XV.	I.	
shall make a declaration before taking charge of office - - -	"	II.	
definition of duties and powers of - - - - -	"	III.	
officers in the revenue and judicial department may hold the office of, with any other - - - - -	"	IV.	
not dismissible without the sanction of government; magistrates shall report to government when a deputy magistrate is found disqualified, and the government shall suspend or dismiss him, as may be proper - - - - -	"	V	
no native or natural-born subject of Her Majesty within the Company's territories, by reason of religion, place of birth, descent or colour disabled from serving as deputy collector under Regulation IX. of 1833. - - - - -	XV.	VI.	
V.			
Vakeels in the zillah court in the Madras Presidency. See Courts. Vernacular language of the presiding officer of the Company's courts of justice shall be used in writing his decisions. See Decisions. -			
Z.			
Zillah Courts. See Courts.			

EAST INDIA.

COPY of the ACTS passed by the Honourable the
President of the Council of *India*, and by the
Right Honourable the GOVERNOR-GENERAL, in
Council, for 1848; with INDEX.

(Presented pursuant to Act of Parliament.)

Ordered, by The House of Commons, to be Printed,
28 May 1845

[Price 6d.]

328.

Under 8 oz.

EAST INDIA.

ACTS passed by the Honourable the PRESIDENT of the COUNCIL of India, and
by the Right Honourable the GOVERNOR-GENERAL in COUNCIL, for 1844;
with INDEX.—(Pursuant to Act.)

East India House, }
27 January 1846. }

JAMES C. MELVILL.

Ordered, by The House of Commons, to be Printed, 3 February 1846.

ACTS of the Government of India 1844.

ACT No. I. of 1844.

Passed by the Honourable the President of the Council of India in Council, on
the 20th January 1844, with the Assent of the Right Honourable the Governor-
General of India.

ACTS of 1844.

AN ACT for securing certain Immunities and Privileges to His Highness the
Nabob of the Carnatic, his Family and Retinue.

WHEREAS questions have lately been raised as to the liability of persons
of the family, household and retinue of his Highness the Nabob of the
Carnatic to the process and jurisdiction of courts of justice, and it is deemed
expedient that provision should be made for protecting by legislative enactment,
under the qualifications hereinafter mentioned, certain individuals of the family,
household and retinue of his said Highness from any such liability, and from claims
and litigation to establish any such liability:

I. It is hereby enacted, that it shall be lawful for the Governor in Council of
Fort St. George to publish from time to time in the Gazette at Madras, lists
containing the names of persons belonging to the family, household or retinue of
his Highness the Nabob of the Carnatic, or of the Nabob Regent for the time
being, who are to be entitled under this Act to privilege from civil and criminal
process, and also from time to time to revise and alter such lists, and publish in
the Gazette as aforesaid new lists of the persons entitled for the time being to
such privilege, and the list which shall have been last so published shall be the
list which for the time being shall be in force and effect for the purpose of this
Act.

II. And it is hereby enacted, that no writ or process shall at any time be sued
forth or prosecuted against the person, goods or property of his Highness the
Nabob of the Carnatic, or of the Nabob Regent for the time being, or of any
person whose name shall be included in any list so published in the Gazette as
aforesaid, and which for the time being shall be in force and effect for the pur-
pose of this Act, unless such writ or process shall be so sued forth or prosecuted
with the consent of the Governor in Council of Fort St. George first had and
obtained, such consent to be testified by the signature of the secretary or one of
the secretaries of Government, and that any writ or process which shall at any
time be sued forth or prosecuted against the person or goods or property of his
said Highness or of the Nabob Regent, or of any such person as aforesaid, without
such consent as aforesaid, so testified as aforesaid, shall be utterly null and void.

ACTS of 1844.

III. And it is hereby enacted and directed, that the said Governor in Council of Fort St. George shall from time to time cause to be furnished to the Governor-general of India in Council copies of any and every list which shall be so published as aforesaid, and shall conform to and follow any directions which he may from time to time receive from the Governor-general of India in Council, respecting the persons to be included in any such list from time to time, and otherwise with respect to the matters which are the subject of this Act; and also, that the said Governor in Council of Fort St. George shall from time to time cause every list which shall be published in the Gazette as aforesaid, to be also otherwise published in such manner as shall be deemed proper and sufficient for the purpose of making the same generally known.

IV. And it is hereby enacted and provided, that this Act shall not be construed or be held to be in any way declaratory or explanatory of the meaning or effect of any treaty made or entered into with his Highness the Nabob of the Carnatic, and shall not be construed either to enlarge or restrict the operation of any such treaty, and that independently of this Act his Highness the Nabob of the Carnatic and the Nabob Regent for the time being, and their respective families, dependants and retinue shall be entitled to claim, maintain and enjoy any privilege which by virtue of any such treaty or otherwise they may be rightfully entitled to.

ACT No. II. OF 1844.

Passed by the Honourable the President of the Council of India in Council, on the 17th February 1844, with the assent of the Right Honourable the Governor-General of India.

An Act respecting the Expense of preparing Copies of Proceedings in Appeals.

Whereas it is just and necessary that the expense of preparing copies in the English language of the proceedings in cases appealed to the Queen in Council, as now required by section 5, Regulation XVI. 1797, and section 34, Regulation V. 1803, of the Bengal Code, section 5, Regulation VIII. of 1818, of the Madras Code, and clause 6, section C, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those appeals:

I. It is hereby enacted, that in all cases of appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English language such of the aforesaid proceedings as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the appellant, within the time allowed for furnishing security for costs of appeal, of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively.

ACT No. III. OF 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 2d March 1844.

Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

Whereas it is expedient, until adequate improvements in prison discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences:

I. It

I. It is hereby enacted, in modification of clause 1, section 2, Regulation II. of 1834, that it shall be competent to a magistrate, on conviction in cases of thefts of property not exceeding in value the sum of 50 rupees, to sentence the person convicted to corporal punishment not exceeding 30 stripes of a ratan.

ACTS of 1844.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of school discipline than of ordinary criminal justice : it is hereby enacted, that it shall be competent to a magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of 50 rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of school discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the magistrate.

ACT No. IV. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 2d March 1844.

AN ACT for repealing Regulation IX. of 1808, of the Bengal Code.

Whereas the provisions of Regulation IX. of 1808, of the Bengal Code, "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete :

It is hereby enacted, that the said Regulation be repealed.

ACT No. V. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 2d March 1844.

AN ACT for the suppression of all Lotteries not authorized by Government.

Whereas great mischief has been found to result from the existence of lotteries :

I. It is hereby enacted, that in the territories subject to the government of the East India Company, all lotteries not authorized by Government, shall from and after the 31st day of March 1844, be deemed, and are hereby declared common and public nuisances and against law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said territories, publicly or privately, keep any office or place for the purpose of drawing any lottery not authorized by Government, or shall have any such lottery drawn, or shall knowingly suffer any such lottery to be drawn in his or her house ; and any person so offending shall, for every such offence, upon conviction before a justice of the peace or magistrate, be punished by fine not exceeding 5,000 rupees.

III. And it is hereby enacted, that from and after the day aforesaid, no person shall under any pretence, device or description whatsoever, agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure, in any

ACTS of 1844.

such lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this section shall, for every such offence, upon conviction before a justice of the peace or magistrate, be punished by fine not exceeding 1,000 rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied, one-half to the use of Government, and the other half to the use of the informer or informers.

ACT No. VI. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 16th March 1844.

AN ACT for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for Home consumption within the Territories subject to the Government of Fort St. George.

Rescinding all Regulations of the Madras Code imposing inland, transit and town duties.

I. It is hereby enacted, that from the 1st day of April 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code, as prescribe the levy of transit or inland customs duties at any town or place within the limits of the Presidency of Fort St. George, shall be repealed.

Rescinding Regulations of the Madras Code imposing sea customs duties, with certain exceptions.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of sections 55 to 70, both inclusive, Regulation XI. 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of section 5, Regulation II. of 1812, with exception of sections 15 and 17, Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code, as relate to the rates of duty and drawback on spirituous liquors imported or exported by sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations, either in part or in whole, of the Madras Code, and likewise the provisions of any kind contained in the foregoing or any other Regulations of the Madras Code for fixing the amount of duty to be levied on goods imported or exported by sea, at any place within the limits of the Presidency of Fort St. George, or the drawback payable on the same, shall be repealed.

Proviso.

III. Provided always, that nothing contained in the two preceding sections of this Act shall be construed to prevent the levy of any municipal tax, or of any toll on any bridge, road, canal, pier or causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of lighthouses.

Duties to be levied on goods imported by sea into the Presidency of Fort St. George.

IV. And it is hereby enacted, that duties of customs shall be levied on goods imported by sea into any place within the territories subordinate to the government of the Presidency of Fort St. George, after the said 1st day of April 1844, according to the rates specified in Schedule (A.) annexed to this Act, with the exceptions specified therein; and the Schedule, with the Notes attached thereto, shall be taken to be a part of this Act.

Duties to be levied on goods exported by sea from the Presidency of Fort St. George.

V. And it is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any ports of the Presidency of Fort St. George after the said 1st day of April 1844, according to the rates specified in Schedule (B.) annexed to this Act, with the exceptions therein specified; and the said Schedule, with the Notes attached thereto, shall also be taken to be a part of this Act.

Duties to be levied on goods passing by land into or out of foreign European settlements adjacent to the Presidency of Fort St. George.

VI. And it is hereby enacted, that duties of customs shall be levied on goods passing by land into or out of foreign European settlements, situated on the line of coast within the limits of the Presidency of Fort St. George, at the rates prescribed in the Schedules of this Act for goods imported or exported on foreign bottoms at any British port in that Presidency.

VII. And

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare, by notice to be published in the Gazette of that Presidency, that the territory of any native chief, not subject to the jurisdiction of the courts and civil authorities of that Presidency, shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for foreign bottoms, as the said Governor in Council may think fit.

ACTS of 1844.

The Governor in Council may declare by notice in the Gazette, the territory of Native Chiefs, beyond the jurisdiction of the Courts, to be foreign.

VIII. And it is hereby enacted, that for the levy of duties of customs as above provided on goods exported by land to, or imported by land from, such foreign territories, customs chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokee shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the customs duty leviable thereupon has been paid in full.

Customs chokees may be established for the levy of duties on goods passing into or out of foreign territory.

Powers of officers at such chokees.

Goods not to be allowed to pass across the frontier line without a certificate of the duty thereon having been paid in full.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit, to receive money on account of customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any chokee officer shall entitle goods to cross the frontier into or out of the East India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

The Governor in Council may appoint officers to collect duties, and to grant certificates of payments.

If goods be found not to correspond with certificate, the difference to be noted on the face of the certificate, and if the duty have not been duly paid, the goods to be detained until a further certificate be produced.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the official Gazette of the Presidency of Fort St. George, of the appointment of every officer appointed to receive customs duties on goods crossing the land frontier of the said foreign territories, and the officers so appointed shall, on receipt of money tendered as customs duty, be bound to give to any merchant or other person applying for the same, a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

The appointments of officers to receive customs duties on the frontier to be notified in the official Gazette.

Officers so appointed bound to grant certificates on receipt of the proper duty.

XI. And it is hereby enacted, that no certificate shall be received at any chokee that shall bear date more than 30 days before the date when the goods arrive at the chokee; provided, however, that any person who has taken out a certificate from any authorized receiver of customs duties, shall at any time within the said period of 30 days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate with a fresh date, without further payment of duty.

Certificates not to bear date more than 30 days before the arrival of the goods.

Proviso.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the official Gazette of the Presidency of Fort St. George, by what routes goods shall be allowed to pass into or out of any such foreign territory, as is described in sections 6 and 7 of this Act; and after such notice shall be given, goods which may be brought to any chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back; and if not provided with a certificate shall be detained, and shall be liable to confiscation by the collector of customs, unless the person in charge thereof shall be able to satisfy the said collector that his carrying them by that route was from ignorance or accident.

The Governor in Council to notify in official Gazette by what routes goods may cross the land frontier.

After which, goods brought by other routes to be liable to detention or confiscation.

XIII. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass across any frontier guarded by chokees, between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

Goods crossing frontier clandestinely to be confiscated.

Penalty for officer permitting goods to cross the frontier without certificate, or by prohibited route.

Penalty for a chokee officer needlessly and vexatiously injuring goods, or wrongfully detaining them.

Goods imported by sea from Foreign European settlements or Native states declared foreign, to be liable to duties leviable on foreign bottoms.

No dutiable goods entered in either of the Schedules of this Act to be exempted unless under special order of Government.

Proviso.

Proviso under which goods may be imported duty free from any other Madras port.

Further proviso under which credit may be given at any Madras port for duties paid at any other British Indian port.

The Governor in Council to notify in the official Gazette the valuation of articles liable to ad valorem Duty.

When no value has been fixed or declared, duty to be levied according to the market value.

The market value, how and by whom to be declared.

Application to be made in writing for the passing of goods through the Custom-house.

XIV. And it is hereby enacted, that any chokee officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding 500 rupees, commutable, if not paid, to imprisonment for a further period of six months.

XV. And it is hereby enacted, that if any chokee officer shall needlessly and vexatiously injure goods under the pretence of examination or in the course of his examination, or shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of customs, or before any magistrate or joint magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding 500 rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that all goods imported by sea into any port of the Presidency of Fort St. George from any foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under section 7 of this Act to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule (A.) on imports on foreign bottoms.

XVII. And it is hereby enacted, that no goods whatsoever entered in either of the Schedules of this Act as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Fort St. George: Provided always, that it shall and may be lawful for the collector of customs or other officer in charge of a custom-house, to pass free of duty any baggage in actual use, at his discretion; and if any person shall apply to have goods passed as such baggage, the collector acting under the orders of the Government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

XVIII. Provided always, that when goods are imported at any port of the Presidency of Fort St. George from any other port in that Presidency, under certificate that the export duty specified in Schedule (B.) has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule (A.) has been duly paid, the said goods shall be admitted to free entry.

XIX. Provided also, that when duties of customs shall have been paid on any goods at any port in any part of the territories of the East India Company not subject to the Presidency of Fort St. George, and such goods shall subsequently be imported at any port of the Presidency of Fort St. George, credit shall be given at such last-mentioned port for the sum that may be proved, by the production of due certificates, to have been so paid.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George, from time to time, by notice in the official Gazette of that Presidency, to fix a value for any article or number of articles liable to ad valorem duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXI. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any custom-house in the Presidency of Fort St. George, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied ad valorem, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXII. And it is hereby enacted, That the market value for assessment of duties on ad valorem goods shall be declared by the owner, consignee or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the custom-house, and the value so declared shall include the packages or materials in which the goods are contained, and the application shall truly set forth the name of

of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks and contents of the packages, and the country in which the goods were produced.

What the application is to contain.

XXIII. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the officer of customs appointed to appraise goods at the custom-house, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of customs, who shall have power to take the goods or any part thereof as purchased for the Government at the price so declared; and whenever the collector of customs shall so take goods for the Government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within 15 days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of customs duty.

Declaration of market value to be submitted to appraising officer.

The collector of customs empowered to purchase undervalued goods at the price so declared.

Payment for the goods when and how to be made.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by public notice in the official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of merchandize, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

Government to notify in the official Gazette the ports for landing and shipping merchandize; goods landing at other ports to be confiscated.

XXV. And it is hereby enacted, that when any vessel shall arrive in any port of the Presidency of Fort St. George, the master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act, and marked (C.), to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward-bound vessel, except such country craft as are described in sections 54 and 55 of this Act, to pass, until the master shall have forwarded, in such manner as may be ordered by the said Governor in Council, such a manifest as is required by this Act.

Manifests of cargo to be sent in by masters of vessels on arrival.

The Governor in Council may appoint places beyond which no inward-bound vessel may pass until the master have forwarded his manifest of cargo. Excepting certain country craft.

XXVI. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine of 1,000 rupees, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or to be charged with double or such increased duties as may be determined by the collector of customs under the orders of Government.

Penalty for a master delivering a manifest not containing a full and true specification of cargo.

XXVII. And it is hereby enacted, that if any inward-bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a custom-house established, shall lie at anchor therein for the space of 24 hours, the master whereof shall refuse to deliver the said manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding 1,000 rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

Masters of inward-bound vessels remaining outside of the places fixed by the Governor in Council, required to deliver manifests.

Penalty for the master of a vessel refusing to deliver a manifest.

XXVIII. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the collector of customs, shall have been received by the said collector, or until order shall have been given by the said collector for the discharge of the cargo, and that the said collector may further refuse to give such order if he shall see fit, until any port clearances, cocketts or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

No vessel to break bulk until the collector of customs have received ship's papers.

Goods moved from or put on board of any vessel without due entry in the custom-house, or permission for discharge of cargo, to be seized as contraband.

After entry in due form, cargo not declared for re-exportation may be landed, and export cargo laden.

Goods liable to seizure and confiscation if attempted to be landed or put on board in contravention of this Act.

Penalty on master if cargo do not correspond with his manifest, or if goods sent out of the vessel be not landed at the prescribed places.

Provision for the amendment of obvious errors in manifests of cargo.

One or more places in every port to be appointed for the landing and shipment of goods.

Goods landing at or shipping from any other place without special permission to be confiscated.

The Governor in Council may license boats for landing and shipping merchandize; and after notification goods found on any other boats to be liable to confiscation.

Excepting under special permit from the collector of customs.

After due notification by Government the collector of customs empowered to station customs officers on board of any vessel.

Penalty for the master of a vessel refusing to receive and accommodate such officer.

Collector of customs may issue warrant to search any vessel.

XXIX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof, until entry of the vessel shall have been duly made in the custom-house of the port, nor until order shall have been given for discharge of the cargo thereof, as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of any vessel in contravention of the above provision; and after entry of the vessel at the custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board, according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XXX. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom-house, or at such other place as the collector of customs shall have prescribed, the master shall be liable to a penalty not exceeding 500 rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained; provided, however, that nothing herein contained shall be construed to prevent the collector of customs from permitting at his discretion the master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at or shipped from any other place without the special order in writing of the collector of customs for the port; and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, or if any goods be shipped or an attempt be made to ship any goods from any others than the said authorized places without such order, they shall be seized and confiscated.

XXXII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of customs at the port, and any goods that may be found on board of other boats than those so authorized for the port, shall be liable to be seized by an officer of customs, and shall be liable to confiscation.

XXXIII. And it is hereby enacted, that when the Governor in Council of the Presidency of Fort St. George shall see fit to maintain at any port an establishment of officers to be sent on board of vessels, to watch their unloading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the collector of customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port, by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the collector.

XXXIV. And it is hereby enacted, that any master of such vessel at such port who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to a fine not exceeding the sum of 100 rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXV. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search, addressed to any officer under his authority, and upon

upon production of such order the officer bearing it shall be competent to require any cabins, lockers or bulk-heads to be opened in his presence, and if they be not opened upon his requisition, to break the same open; and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of customs, shall be liable to confiscation, and any master or person in charge of a vessel who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable upon conviction for every such offence to a fine of 1,000 rupees.

Powers of an officer bearing such warrant.

Penalty for any master of a vessel resisting officer with warrant for search.

XXXVI. And it is hereby enacted, that every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the custom-house is closed for business, without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding 500 rupees.

Penalty for a master removing or putting on board goods between sunset and sunrise, or when the custom-house is closed, without leave from collector.

XXXVII. And it is hereby enacted, that no cargo boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of any vessel on board of which there shall be a customs officer stationed, unless there shall be on board the boat, or have been received by the said customs officer, a custom-house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside or be made fast to a vessel, if such goods be not covered by a custom-house pass accompanying them, or previously received by the customs officer on board, the said vessel, shall be liable to confiscation.

Export cargo boats without permits not allowed to lie alongside vessels on which customs officers are stationed.

Goods on such boats if not covered by a pass to be liable to confiscation.

XXXVIII. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a customs officer on board for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch a boat note, specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the customs officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of customs, the goods shall be liable to confiscation.

In the removal of goods from on board any vessel, a boat note to be sent with each separate despatch.

Goods liable to confiscation if found without a boat note, or out of the track between the vessel and the proper place of landing.

XXXIX. And it is hereby enacted, that when goods shall be brought to be passed through the custom-house, either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

Goods brought to be passed through the custom-house, if not corresponding with the description in the application, liable to confiscation.

XL. And it is hereby enacted, that if any person after goods have been landed, and before they have been passed through the custom-house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the collector of customs that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods.

Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the custom-house.

XLI. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed or measured on board ship, before being sent to land, and to levy duty according to the result of such weighing or measurement.

Collector of customs may require goods in bulk to be weighed or measured before landing, and levy duty accordingly.

XLII. And it is hereby enacted, that clause 2, section 11, of Regulation I. of 1805, of the Madras Code, shall be repealed.

Rescinding c. 2, s. 11, of Reg. I. of 1805, of the Madras Code.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of salt to the government of the Presidency of Fort St. George, for salt that may be manufactured and sold under the orders of the Governor in Council, for consumption within the territories subordinate to the Presidency of Fort St. George, shall subsequent to the date specified in section 1 of this Act be one Company's rupee and eight annas for every maund of 3,200 tolas weight of salt.

Fixing the price to be paid for salt within the Presidency of Madras.

The Governor-general in Council empowered to grant a remission of this price.

XLIV. And it is hereby enacted, that it shall be competent to the Governor-general of India in Council to grant a remission of the price specified in the last preceding section of this Act, in cases in which it may appear that the grant of such remission is expedient.

Salt having paid the home consumption price may be landed free at any other Madras port under certificate.

XLV. And it is hereby enacted, that on application by the exporter of any salt that has paid the full price fixed to be paid for salt sold for home consumption under the provisions of section 43 of this Act, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate the quantity of salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of salt into the interior, without the levy of any further duty of customs.

Limited period allowed for discharge of import cargo of vessel on which customs officer may be stationed.

XLVI. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel to superintend the delivery of cargo, 20 days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen, and 30 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the customs officer first went on board: and if the whole cargo be not discharged by the expiration of the above-mentioned periods, the master shall be charged with the wages of such officer, and other expenses for any further period that such officer may be detained on board; and if the owners, importers or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

Limited period allowed for discharging cargo from any vessel without a customs officer on board.

Goods remaining on board after period allowed, to be landed and warehoused by order of collector.

Customs collector, with consent of master of vessel, may cause any packages to be deposited in the Government warehouses.

The collector empowered to sell goods if not cleared from Custom-house within period specified.

XLVII. And it is hereby enacted, that when there shall be no customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of customs to fix a period, not being less than 20 days, for the discharge thereof and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the master for the same: Provided always, that in all cases it shall be lawful for the collector or other officer in charge of the custom-house, with the consent of master of the vessel, to cause any packages to be brought on shore, and to be deposited in the government warehouses for the security of the duties and charges thereon, although 20 days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed and cleared from the custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same on account of the duties and other charges due thereon, and the balance remaining, after deducting the said duties and charges, shall be held in deposit and paid to the owner on application.

Limited period allowed for putting export cargo on board of any vessel.

XLVIII. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel discharging cargo, a further period of 15 days, Sundays and holidays excluded, beyond the 20 days above specified, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall in such case not be charged with the wages and expenses of the customs officer on board until after the expiration of such additional period; and if a vessel having discharged its import cargo shall be laid up, the customs officer on board shall certify that no goods remain on board except necessary stores and articles for use, and when a vessel so laid up shall be entered at the custom-house for receipt of export cargo, a customs officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board except as above excepted, 20 days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding 600 tons, and 30 days for vessels exceeding that burthen, after which periods respectively the master shall be charged with the wages and expenses of the customs officer on board to the date of the vessel's sailing from the port.

XLIX. And

XLIX. And it is hereby enacted, that when upon application from the master of any vessel, the customs officer shall be removed from on board thereof, under the provisions to that effect contained in the last preceding section of this Act, if the master of such vessel shall, before a customs officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel any goods whatever, such master shall be punished with a fine not exceeding 1,000 rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the collector of customs.

Penalty for putting goods on board a vessel after customs officer's removal therefrom, and before a customs officer have again been placed thereon.

L. And it is hereby enacted, that a port clearance shall be granted by the collector of customs or other authorized officer to the master or commander of every vessel clearing out from the ports of the Presidency of Fort St. George, provided such master or commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a certificate from the proper officer or officers of all port charges and public demands against him, of whatever nature, having been duly paid and discharged.

A port clearance to be granted to the master of every vessel on certificate of all public demands against him having been satisfied.

LI. And it is hereby enacted, that upon any goods liable to duty that may be passed through the custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied, and if the goods be free or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

Rules for levying duty on goods passed through Custom-house for shipment after grant of port clearance.

LII. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a customs officer shall be sent to watch the vessel and take charge of the cargo during such re-landing or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty, by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land or while on board of any other vessel under special charge of the officers of customs until the time of re-export, and all charges attending such custody shall be borne by the exporter; provided, however, that in all cases of return to port after port clearance on account of damage or for stress of weather, it shall be lawful for the owner or for the master to enter the vessel and land the cargo, under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed; and if goods on account of which drawback has been paid be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the collector of customs.

Cargo of vessels putting back from stress of weather, or damage, and compelled to re-land cargo, to be taken charge of by customs officers, and lodged in such place as the collector may direct.

Proviso under which the cargo may be landed as imported goods, and the export duty refunded.

Penalty for a master putting back into port without goods on which drawback has been allowed.

LIII. And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in the last preceding section of this Act.

Duty on goods re-landed before the lading is complete to be refunded, but not after grant of port clearance.

Unless the vessel have put back for stress of weather or damage.

LIV. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods thereon, and that whoever, being in charge of any such craft, shall knowingly contravene any such rule, shall be liable to a fine not exceeding 100 rupees for each offence.

Penalty on coasting and country craft for contravening such rules as Governor in Council may lay down for their regulation.

LV. And it is hereby enacted, that pattamars, dhonies, and other small craft from the Maldiva or Laccadive Islands, or from the native ports of Kattywar and

Specification of Native craft to be treated like coasting craft of the British territories.

ACTS of 1844.

Cutch, and of the Travancore and Cochin states, shall be treated in the ports of the Presidency of Fort St. George like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring and mode of landing and shipping goods, as may be made by the Governor in Council for such vessels in the several ports of the Presidency of Fort St. George.

No drawback allowed on goods shipped on such Native craft.

LVI. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft as are described in the last preceding section of this Act.

Goods re-exported in the same vessel not subject to duty: duty to be levied on transhipped goods as if they had been landed and re-exported.

LVII. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty, and if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom-house for re-exportation in the vessel into which they may be transhipped.

Goods to be liable to confiscation if transhipped without special license from collector.

LVIII. And it is hereby enacted, that no transhipment shall be made of any goods, except under special order in writing from the collector of customs of the port, and that goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

Customs officer to superintend transhipment.

LIX. And it is hereby enacted, that an officer of customs shall in all cases be deputed to superintend the removal of goods from vessel to vessel.

The collector competent to adjudge confiscations.

LX. And it is hereby enacted, that in all cases in which under this Act goods are liable to confiscation, the collector of customs of the place where those goods may be, shall be competent to adjudge such confiscation.

The collector may exact payment of fines before granting port clearance.

LXI. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Fort St. George, to refuse port clearance to such vessel until the fine shall be discharged.

Empowering collectors of customs to decide upon cases of seizure and to adjudge damages.

LXII. And it is hereby enacted, that it shall be lawful for any collector of customs, or other officer who may be authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the officer of customs in any court of justice on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion not exceeding one-half shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

To mitigate penalty of confiscation to the extent of the levy of double duty; and to distribute part proceeds of sale of confiscated goods in rewards among seizing officers.

All officers of Customs amenable to civil courts.

LXIII. And it is hereby enacted, that all officers of customs shall as heretofore be amenable to the civil courts of the Presidency of Fort St. George, by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts; provided, however, that no suit shall lie against a collector of customs or other officer for any judicial award in a matter of customs passed under the preceding section of this Act.

Proviso.

Penalty for obstructing Customs officers in the exercise of their powers.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 rupees, or both.

Penalty for Customs officer receiving consideration for doing or forbearing any official act.

LXV. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain or attempt to obtain from any person

person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both. ACTS of 1844.

LXVI. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both. Penalty for a customs officer concerned in defrauding the Customs Revenue.

LXVII. And it is hereby enacted, that whoever not being an officer appointed under this Act, or authorized by any regulation to collect customs or duties, shall exact customs or duties of any denomination on any pretence whatsoever, whether as principal or agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the civil courts of the Presidency of Fort St. George. Penalty for exacting customs or duties without authority as a customs officer.

LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George, by an Order in Council, to transfer any of the powers given to a collector of customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such wharves and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the custom-house. The Governor in Council may transfer the powers of collector of customs to any other officer, and may make rules and appoint officers to carry this Act into effect, and fix rates of wharfage and rent.

SCHEDULE (A.)

RATES of Duty to be charged on Goods Imported by Sea into any Port of the Presidency of Fort St. George.

No.	ENUMERATION OF GOODS.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
1	Bullion and coin - - - - -	free - - - - -	free.
2	Precious stones and pearls - - - - -	ditto - - - - -	ditto.
3	Grain and pulse other than rice and paddy - - - - -	ditto - - - - -	ditto.
4	Rice and paddy - - - - -	2 annas per bag not exceeding 2 maunds of 80 tolas to the seer, or if imported otherwise than in bags, 1 anna per maund.	4 annas per bag not exceeding 2 maunds of 80 tolas to the seer, or if imported otherwise than in bags, 2 annas per maund.
5	Horses and other living animals - - - - -	free - - - - -	free.
6	Ice - - - - -	ditto - - - - -	ditto.
7	Coal, coke, bricks, chalk, stones (marble and wrought stones excepted).	ditto - - - - -	ditto.
8	Books printed in the United Kingdom or in any British Possession.	ditto - - - - -	3 per cent.
9	Foreign books - - - - -	3 per cent. - - -	6 per cent.
10	Marine stores, the produce or manufacture of the United Kingdom or of any British Possession.	3 per cent. - - -	6 per cent.
11	Ditto - - ditto, the produce or manufacture of any other place or country.	6 per cent. - - -	12 per cent.
12	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession.	3 per cent. - - -	6 per cent.
13	Metals, ditto - - ditto, excepting tin, the produce or manufacture of any other place.	6 per cent. - - -	12 per cent.
14	Tin, the produce of any other place than the United Kingdom or any British Possession.	10 per cent. - - -	20 per cent.

ACTS of 1844.

SCHEDULE (A.)—continued.

No.	ENUMERATION OF GOODS.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
15	Woollens, the produce or manufacture of the United Kingdom or any British Possession.	2 per cent. - -	4 per cent.
16	Ditto, the produce of any other place or country.	4 per cent. - -	8 per cent.
17	Cotton wool, not covered by certificate of the payment of export duty at any other port of Fort St. George.	9 annas per maund of 80 tolas to the seer.	1 rupee 2 annas per maund of 80 tolas to the seer.
18	Cotton and silk piece-goods, cotton twist and yarn, the produce of the United Kingdom or of any British Possession.	3½ per cent. -	7 per cent.
19	Ditto, the produce of any other place -	7 per cent. - -	14 per cent.
20	Opium - - - - -	24 rupees per seer of 80 tolas.	24 rupees per seer of 80 tolas.
21	Salt - - - - -	3 rupees per maund of 80 tolas to the seer.	3 rupees per maund of 80 tolas to the seer.
22	Alum - - - - -	10 per cent. -	20 per cent.
23	Betel-nut, raw - - - - -	5 per cent. -	10 per cent.
24	Betel-nut, boiled - - - - -	10 per cent. -	20 per cent.
25	Camphor - - - - -	10 per cent. -	20 per cent.
26	Cassia - - - - -	10 per cent. -	20 per cent.
27	Cloves - - - - -	10 per cent. -	20 per cent.
28	Coffee - - - - -	7½ per cent. -	15 per cent.
29	Coral - - - - -	10 per cent. -	20 per cent.
30	Nutmegs and mace - - - - -	10 per cent. -	20 per cent.
31	Pepper - - - - -	10 per cent. -	20 per cent.
32	Rattans - - - - -	7½ per cent. -	15 per cent.
33	Tea - - - - -	10 per cent. -	20 per cent.
34	Vermilion - - - - -	10 per cent. -	20 per cent.
35	Wines and liqueurs - - - - -	10 per cent. -	20 per cent.
36	Spirits - - - - -	9 annas per imperial gallon.	1 rupee per imperial gallon.
	And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.		
37	Tobacco - - - - -	10 per cent. -	20 per cent.
	All articles not included in the above enumeration.	3½ per cent. -	7 per cent.

And if the collector of customs shall see reason to doubt whether the goods liable to a different rate of duty according to the place of their production come from the country from which they are declared to come by the importer, it shall be lawful for the collector of customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council of Fort St. George.

And upon the re-export by sea of goods imported, excepting opium and salt, and all goods of the growth, production or manufacture of the Continent of India, provided the re-export be made within two years of the date of import as per custom-house register, and the goods be identified to the satisfaction of the collector of customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback, unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the Custom-house register.

SCHEDULE (B.)

SCHEDULE (B.)

RATES of DUTY to be charged on Goods Exported by Sea from any Port or Place in the
Presidency of Fort St. George.

No.	ENUMERATION OF GOODS.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and coin - - - - -	free - - -	free.
2	Precious stones and pearls - - - - -	ditto - - -	ditto.
3	Books, maps and drawings, printed in India	ditto - - -	ditto.
4	Horses and living animals - - - - -	ditto - - -	ditto.
5	Cotton wool, exported to Europe, the United States of America or any British Possession in America.	ditto - - -	9 annas per maund of 80 tolas to the seer.
6	Ditto - - ditto, exported to places other than above.	9 annas per maund of 80 tolas to the seer.	1 rupee 2 annas per maund of 80 tolas to the seer.
7	Sugar and rum, exported to the United Kingdom, or to any British Possession, not being a British Possession or settlement on the continent of India, including Bombay.	free - - -	3 per cent.
8	Ditto - - ditto, exported to any other place including any British Possession or settlement on the continent of India, including Bombay.	3 per cent - -	6 per cent.
9	Grain and pulse of all sorts, other than rice and paddy.	1 anna per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, $\frac{1}{2}$ an anna per maund.	2 annas per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, 1 anna per maund.
10	Rice and paddy - - - - -	2 annas per bag as above, or 1 anna per maund.	4 annas per bag as above, or 2 annas per maund.
11	Indigo - - - - -	3 rupees per maund of 80 tolas to the seer.	6 rupees per maund of 80 tolas to the seer.
12	Salt, having paid the price fixed to be paid on salt declared for exportation to ports or places not being subordinate to the Presidency of Fort St. George.	free - - -	free.
13	Tobacco - - - - -	10 per cent. -	20 per cent.
14	Opium, not covered by a pass - - -	prohibited - -	prohibited.
	All articles not included in the above enumeration.	3 per cent. - -	6 per cent.

And upon the re-export to Europe, the United States of America or to any British Possession in America, from Madras or from any other port of the Presidency of Fort St. George, of cotton that has been imported under certificate of the payment of the duty specified in this Schedule, provided that the re-export be made in British bottoms, within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom-house registers, the whole amount of export duty levied at the first place of export shall be refunded.

ACTS of 1844.

SCHEDULE (C.)

MANIFEST of Goods Imported per under							Commander, from Colour; viz.		
Marks.	Numbers	Packages	Quantity.	Weight.	Gal- lons.	Yards.	Description of Goods.	Invoice Value.	Tariff Value.
A.	1 a' 5	5 cases	250 pieces	-	-	3,000	Cambrics - Long cloths, bleached. Long cloths, unbleached. Madapollams, bleached. Madapolloms, unbleached. Plain muslins	£. s. d.	£. s. d.

N.B.—Articles generally to be specified, excepting such as ironmongery, hardware, glass-ware, earthenware, cutlery, perfumery, confectionery, stationery and such like. All articles from Great Britain to be entered according to the English weight, not native.
From China in like manner, in China weights.
In imports and exports of bullion or coin, to specify the sort of which they consist.

ACT No. VII. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 6th April 1844.

AN ACT for improving the Law of Evidence.

Whereas the inquiry after truth in Her Majesty's courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

I. It is hereby enacted, that within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity, from crime or interest, from giving evidence, either in person or by deposition, according to the practice of the court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action or proceeding, civil or criminal, in any of Her Majesty's Courts, or before any judge, jury, sheriff, coroner, magistrate, officer or person having by law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or inquiry, or of the suit, action or proceeding, in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence; provided, that this Act shall not render competent any party to any suit, action or proceeding, individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in the Act of the Government of India, XXV. of 1838; provided, that in any of Her Majesty's Courts sitting in equity, any defendant to any cause pending in any such court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matter or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

II. And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action or proceeding, brought or commenced before the passing of this Act.

ACT No. VIII. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 9th April 1844.

AN ACT to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers, imprisoned under Sentence of a Court Martial, from one Prison to another.

It is hereby enacted, that whenever any native officer or soldier or follower belonging to the forces of the East India Company, shall be a prisoner in any public prison or other place within the territories subject to the government of the said Company under sentence of any court martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency in which such public prison or other place may be situated, to give an order in writing to the gaoler thereof, or other person in charge thereof, commanding him to deliver up such prisoner to the person producing such order, and such gaoler or other person shall deliver up such prisoner, at any period of his imprisonment, to the person producing such order, either for his discharge, or in order that he may be removed in military custody to undergo the remainder of his sentence, to such other public prison or such other place as such Governor or Governor in Council (as the case may be) may direct; provided that such other public prison or other place shall be within the Presidency subject to the government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period, shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

ACT No. IX. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 13th April 1844.

AN ACT for authorizing the Institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all suits within the competency of a principal sudder ameen or sudder ameen to decide, shall ordinarily be instituted in the courts of those officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a zillah or city judge to withdraw such suits from the court in which they may have been instituted, and to try them himself, or to refer them for trial to any other court subordinate to his authority, and competent in respect to the value of the suit, whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one principal sudder ameen, or more than one sudder ameen attached to the court of any zillah or city judge, and not having any special local jurisdiction, it shall be the duty of such judge to appoint from time to time the several moonsiffs' divisions, which shall constitute the special local jurisdiction of each of such principal sudder ameens and sudder ameens, and that each of such principal sudder ameens and sudder ameens shall be empowered to take cognizance of all such suits as are mentioned in section I. of this Act, provided the landed or other real property to which the suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced, shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the zillah or city judge to receive a summary appeal from the orders of any principal sudder ameen

ACTS of 1844.

or sudder ameen, rejecting any original suit cognizable by him, and that all rules applicable to summary appeals from orders dismissing original suits on the ground of any default, shall be applicable to the summary appeals given by this Act.

V. And it is hereby enacted, that in all suits which, in respect to value, are cognizable by a sudder ameen, the same stamps shall be sufficient in any other court as would have been sufficient in the court of a sudder ameen.

ACT No. X. of 1844.

Passed by the Right Honourable the Governor-General of India in Council,
on the 11th May 1844.

AN ACT to amend the Law respecting the period of the Execution of Persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for Improving the Administration of Criminal Justice in the East Indies," it was amongst other things enacted, that every person convicted of murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every murderer, unless the court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death, but also the time thereby appointed for the execution thereof: and it was by the said Act provided, that after such sentence should have been pronounced, it should be lawful for the court or judge to stay the execution thereof if such court or judge should so think fit: And whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects:

I. It is therefore hereby enacted, that from and after the passing of this Act, so much of the said Act as is hereinbefore recited shall cease to have effect within the territories subject to the government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for murder by any judge of any of Her Majesty's courts of justice within the territories subject to the government of the East India Company, in the same manner, and the judge shall have the same power in all respects, as after convictions for other capital offences.

ACT No. XI. of 1844.

Passed by the Right Honourable the Governor-General of India in Council,
on the 18th May 1844.

AN ACT for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Fort William in Bengal.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the judges of the Supreme Court of judicature at Fort William in Bengal, when occasion shall so require, to sit apart from the other judges or judge, as the case may be, of the same court for the despatch of the criminal business of the said court, at the same time when the other judges or judge, as the case may be, of the said court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such judge, so sitting apart for the purpose aforesaid, shall be good, valid

valid and effectual in the law to all intents and purposes, as fully as if the said proceedings were had before all the judges of the said court, sitting as a court of oyer and terminer and gaol delivery, under the charter of the said court.

ACTS of 1844.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort William in Bengal may or shall have power to transact in term; it shall in like manner have power to transact out of term, and that all proceedings whatever before the said court out of term, shall be as good, valid and effectual in the law to all intents and purposes, as fully as if the said proceedings were had in term, and that all rules and orders of the said court as to all judgments, executions or other proceedings in term, shall be applicable and shall be applied to all judgments, executions or other proceedings given, issued or had out of term, as near as the same can be made applicable thereto, and the said court shall issue such new rules and orders as may be necessary, for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XII. of 1844.

Passed by the Right Honourable the Governor-General of India in Council,
on the 25th May 1844.

AN ACT for better securing the observance of an exact Discipline in the
Indian Navy.

I. Whereas by an Act of the British Parliament passed in the Session held in the 3d and 4th years of his late Majesty King William the 4th, intituled, "An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian Territories till the 30th day of April 1854," it is among other things enacted, that the Governor-general of India in Council shall have power to make laws and regulations for repealing, amending or altering any laws or regulations whatever then in force, or thereafter to be in force in the said territories, or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice whether established by his Majesty's charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company, save and except that the said Governor-general in Council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of his Majesty or the said Company, or any provisions of any Act thereafter to be passed in anywise affecting the said Company, or the said territories or the inhabitants thereof, or any laws and regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

And it is thereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor-general in Council their disallowance of any laws or regulations by the said Governor-general in Council made, then and in every such case, upon receipt by the said Governor-general in Council of notice of such disallowance, the said Governor-general in Council shall forthwith repeal all laws and regulations so disallowed: and it is also provided and enacted, that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories, as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all courts of justice whatsoever within the same territories, in the same manner as any public Act of Parliament would and ought to be taken notice of, and it shall not be necessary to register or publish in any court of justice any laws or regulations made by the said Governor-general in Council: and it is

ACTS of 1844.

thereby also provided and enacted, that it shall not be lawful for the said Governor-general in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power shall be given to any courts of justice other than the courts of justice established by his Majesty's charters, to sentence to the punishment of death any of his Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the courts of justice established by his Majesty's charters.

And whereas by another Act passed in the Session held in the third and fourth years of the reign of Her present Majesty, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the Laws for regulating the payment of Regimental Debts, and the distribution of the Effects of Officers and Soldiers dying in Service," reciting that the said Company, for the safety and protection of the territories under their government, in addition to their land forces maintain a marine establishment theretofore called "The Bombay Marine," but then called "The Indian Navy;" and that by an Act passed in the ninth year of the reign of King George the 4th, intituled, "An Act to extend the Provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the fourth year of King George the 4th, and that it was expedient that discipline should be enforced in the said marine establishment in the manner provided by the said Act of the fourth year of King George the 4th; in respect to the other forces of the said Company, it is enacted, that the provisions of the said Act of the fourth year of King George the 4th, and the rules and Articles of War made and to be made by virtue thereof, should extend and be applied to the service of "The Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be commissioned or in pay as officers, or enlisted or in pay as non-commissioned officers or soldiers respectively in the said Company's army, should be to all intents and purposes liable to the provisions of the said Act of the fourth year of his Majesty King George the 4th, and to the same rules and Articles of War, and the same penalties as the officers and soldiers of the said Company's other forces; and reciting that it is expedient to provide other means for enforcing discipline in the said marine establishment called "The Indian Navy," it was, amongst other things, enacted, that for the retaining the forces of the said establishment in their duty, the Governor-general of India in Council should have power to make laws and regulations for securing the observance of an exact discipline in the said service called "The Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the law will allow, all officers, engineers, soldiers, marines, seamen and all others belonging to the said marine establishment who should mutiny, or stir up sedition, or should desert the said service, or should commit any other offence which in its nature would be cognizable by court martial under the now reciting Act, or which might be against good discipline in naval service in the same, in as full and ample manner to all intents and purposes as by virtue of the said Act passed in the Session held in the third and fourth years of the reign of his late Majesty King William the 4th, the said Governor-general in Council then had power to make any laws and regulations whatsoever, any thing in the said last mentioned Act, or any other Act or Acts to the contrary notwithstanding: and it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor-general in Council their disallowance of any laws or regulations by the said Governor-general in Council made by virtue of the now reciting Act, then and in every such case, upon receipt by the said Governor-general in Council of notice of such disallowance, the said Governor-general in Council should forthwith repeal all laws and regulations so disallowed: and it was also provided and enacted, that all laws and regulations made as aforesaid, so long as they should remain unrepealed, should be of the same force and effect within and throughout the said territories, as any Act of Parliament would or ought to be within the same territories, and should be taken notice of by all courts of justice whatsoever within the same territories, in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any court of justice any laws or regulations made by the said Governor-general in Council.

And

And it was also provided and enacted, that it should not be lawful for the said Governor-general in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power should be given to any court other than the courts of justice established by the charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural-born subjects born in Europe, or the children of such subjects. ACTS of 1844.

And it was also provided and enacted, that until the said Governor-general in Council should have made laws and regulations for the good government of the said "Indian Navy" by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the rules and Articles of War to be made by virtue thereof, should extend and be applied to the said marine establishment called the "Indian Navy," and that all persons in the service of the said Company belonging to the said Indian Navy, who should be commissioned or in pay as officers, or enlisted or in pay as non-commissioned officers or soldiers respectively, in the said Company's army, should be to all intents and purposes liable to the provisions of the now reciting Act, and to the same rules and Articles of War, and the same penalties as the officers and soldiers of the said Company's other forces.

And whereas it is deemed expedient to place the Indian Navy under articles and orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained, and to all and singular the laws and regulations hereby made: Now it is therefore hereby enacted, that from and after the 1st day of October 1844, the articles and orders hereinafter following, as well in time of peace as in time of war, shall be duly observed and put in execution in manner hereinafter mentioned.

1. All captains, commanders and officers, in or belonging to any of the East India Company's ships or vessels of war, shall cause the public worship of Almighty God, according to the liturgy of the Church of England established by law, to be solemnly, orderly and reverently performed in their respective ships, and shall take care that prayers and preaching be performed diligently, and that the Lord's day be observed according to law.

2. All officers, engineers, soldiers, marines, seamen and others belonging to the Indian Navy, being guilty of profane oaths, cursing, execrations, drunkenness, uncleanness or other scandalous actions, in derogation of God's honour and corruption of good manners, shall incur such punishment as a court martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If any officer, engineer, soldier, marine, seaman or other person belonging to the Indian navy shall give, hold or entertain intelligence to or with any enemy or rebel, without leave from the Queen's Majesty, or the Governor-general in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, commander in chief or his commanding officer, every such person so offending and being thereof convicted by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence may deserve, or the court martial shall impose.

4. If any letter or message from any enemy or rebel be conveyed to any officer, engineer, soldier, marine, seaman or other person belonging to the Indian navy, and the said officer, engineer, soldier, marine, seaman or other person as aforesaid shall not within 12 hours, having opportunity so to do, acquaint his superior officer or the officer commanding in chief with it, or if any superior officer belonging to the Indian navy being acquainted therewith shall not in convenient time reveal the same to the officer commanding in chief the squadron, every such person so offending and being convicted thereof by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

5. All spies, and all persons whatsoever who shall come or be found in the nature of spies within the territories under the government of the East India Company, to bring or deliver any seducing letters or messages from any enemy or rebel, or endeavour to corrupt any officer, engineer, soldier, marine, seaman or

ACTS of 1844.

other person belonging to the Indian navy to betray his trust, being convicted of any such offence by the sentence of a court martial, shall be punished with death, or shall suffer such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

6. No person belonging to the Indian navy shall relieve an enemy or rebel, with money, victuals, powder, shot, arms, ammunition or any other supplies whatsoever, directly or indirectly, upon pain of death or such other punishment as a court martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

7. All the papers, charter-parties, bills of lading, passports and other writings whatsoever that shall be taken, seized or found aboard any ship or vessel which shall be surprised or taken as prize, shall be duly preserved, and the very originals shall, by the commanding officer of the ship or vessel which shall take such prize, be sent entirely and without fraud to the Court of Admiralty, or such other court or commissioners as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of and proceeded upon according to law, upon pain that every person offending therein shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve, and the court martial shall impose.

8. No person in or belonging to the Indian navy shall take out of any prize, or ship or vessel seized for prize, any money, plate or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's ships or vessels of war, or of any of the ships or vessels of the Indian navy, before the same be adjudged lawful prize in some Admiralty or other competent court, but the full and entire account of the whole, without embezzlement, shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a court martial, or such Court of Admiralty, according to the nature and degree of the offence.

9. If any ship or vessel shall be taken as prize, none of the officers, mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated, upon pain that the person or persons so offending shall be liable to such punishment as a court martial shall think fit to inflict.

10. Every superior officer belonging to the Indian navy, who upon signal or order of fight, or sight of any ship or vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior officers and men to fight courageously, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve; and if any person belonging to the Indian navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

11. Every person belonging to the Indian navy who shall not duly observe the orders of the officer commanding in chief the squadron or division, or other his superior officer, for assailing, joining battle with, or making defence against any fleet, squadron or ship or vessel, or shall not obey the orders of his superior officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending and being convicted thereof by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

12. Every person belonging to the Indian navy who through cowardice, negligence or dissaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every ship and vessel which it shall be his duty to engage, and to assist and relieve

all

all and every the ships and vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's allies, which it shall be his duty to assist and relieve, every such person so offending and being convicted thereof by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

13. Every person belonging to the Indian navy who through cowardice, negligence or disaffection shall forbear to pursue the chase of any enemy, pirate or rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending being convicted thereof by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

15. Every person in or belonging to the Indian navy who shall desert to any enemy, pirate or rebel, or run away with any of the ships or vessels of war of Her Majesty or of the East India Company, or any ordnance, ammunition, stores or provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any enemy, pirate or rebel, being convicted of any such offence by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

16. Every person belonging to the Indian navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve, and a court martial shall judge fit; and if any commanding officer of any of the East India Company's ships or vessels of war shall receive or entertain a deserter from any other ship or vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the captain of the ship or vessel to which such deserter belongs, or if the said ships or vessels are at any considerable distance from each other, to the Government or to the officer commanding in chief, every person so offending and being convicted thereof by the sentence of a court martial, shall be cashiered.

17. The officers and seamen of all ships or vessels belonging to the Indian navy, appointed for convoy and guard of merchant ships or vessels, or of any other, shall diligently attend upon that charge without delay, according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the ships, vessels and goods in their convoy, without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence if they be assailed, or running away cowardly and submitting the ships in their convoy to peril and hazard, or shall demand or exact any money or other reward from any merchant or master for convoying of any ships or vessels entrusted to their care, or shall misuse the masters or mariners thereof, shall be condemned to make reparation of the damage to the merchants, owners and others, as the Court of Admiralty or other competent court shall judge, and also be punished criminally according to the quality of their offences, be it by pains of death, or other punishment, according as shall be adjudged fit by a court martial.

18. If any captain, commander or other officer of any of the ships or vessels of the Indian navy shall receive on board, or permit to be received on board such ship or vessel any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel, except gold, silver or jewels, and except the goods and merchandizes belonging to any merchant or other ship or vessel which may be shipwrecked either on the high seas or in any port, creek or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a court martial,

ACTS of 1844.

shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of the East India Company.

19. If any person belonging to the Indian navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a court martial shall deem him to deserve; and if any officer, engineer, soldier, marine, seaman or other person belonging to the Indian navy shall behave himself with contempt to his superior officer, such superior officer being in the execution of his office, he shall suffer such punishment according to the nature of his offence as a court martial shall deem him to deserve.

20. If any person belonging to the Indian navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a court martial, he shall suffer death, or such other punishment as a court martial shall think fit; and if any person belonging to the Indian navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the commanding officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a court martial shall think he deserves.

21. If any person belonging to the Indian navy shall find cause for complaint of the unwholesomeness of the victuals, or upon other just ground, he shall quietly make the same known to his superior officer, or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said superior officer, captain, or commander in chief shall, as far as he is able, cause the same to be presently remedied, and no person belonging to the Indian navy upon any such or any other pretence shall attempt to stir up any disturbance, upon pain of such punishment as a court martial shall think fit to inflict, according to the degree of the offence.

22. If any officer, engineer, soldier, marine, seaman or other person belonging to the Indian navy shall strike any of his superior officers, or draw or offer to draw or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever; or if any officer, engineer, soldier, marine, seaman or other person belonging to the Indian navy shall presume to quarrel with any of his superior officers, being in the execution of his office, or shall disobey any lawful command of any of his superior officers, every such person being convicted of any such offence by the sentence of a court martial, shall suffer death, or such other punishment as shall, according to the nature and degree of his offence, be inflicted upon him by the sentence of a court martial.

23. If any person belonging to the Indian navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall, upon being convicted thereof, suffer such punishment as the offence shall deserve and a court martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any powder, shot, ammunition or other stores; but the stores and provisions shall be carefully preserved, upon pain of such punishment as shall be by a court martial found just in that behalf.

25. Every person belonging to the Indian navy who shall unlawfully burn or set fire to any magazine or store of powder, or ship, boat, ketch, hoy or vessel, or tackle or furniture thereunto belonging, not then appertaining to an enemy, pirate or rebel, being convicted of any such offence by the sentence of a court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the ships or vessels of the Indian navy, that through wilfulness, negligence or other defaults no ship or vessel be stranded or run upon any rocks or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death, or such other punishment as the offence by a court martial shall be judged to deserve.

27. No

27. No person belonging to the Indian navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station, upon pain of death, or such other punishment as a court martial shall think fit to impose, and as the circumstances of the case shall require.

28. All murders committed by any person belonging to the Indian navy shall be punished with death, by the sentence of a court martial.

29. If any person belonging to the Indian navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other punishment as the offence by a court martial shall be judged to deserve.

30. All robbery committed by any person belonging to the Indian navy shall be punished with death, or otherwise, as a court martial upon consideration of circumstances shall find meet.

31. Every officer or other person belonging to the Indian navy who shall knowingly make or sign a false muster or muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a court martial, be cashiered.

32. No person belonging to the Indian navy being duly authorized so to do, shall refuse to apprehend any criminal whom he shall be authorized by legal warrant to apprehend, or to receive or keep any prisoner committed to his charge, or wilfully suffer him to escape being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a court martial shall deem him to deserve; and all captains, officers and others belonging to the Indian navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the officers appointed for that purpose therein, upon pain of being proceeded against and punished by a court martial according to the nature and degree of the offence.

33. If any superior officer, captain or commander, or lieutenant belonging to the Indian navy shall be convicted before a court martial of behaving in a scandalous, infamous, cruel, oppressive or fraudulent manner, unbecoming the character of an officer, he shall be dismissed from the Indian navy, or suffer such other punishment as a court martial shall deem him to deserve.

34. Every person belonging to the Indian navy, being in actual service and full pay, who shall be guilty of mutiny, desertion or disobedience to any lawful command, in any part of the territories under the government of the East India Company, or shore, when in actual service relative to the Indian navy, shall be liable to be tried by a court martial, and suffer the like punishment for every such offence as if the same had been committed at sea on board any ships or vessels of the Indian navy.

35. If any person belonging to the Indian navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the territories under the government of the East India Company, any of the crimes punishable by these articles and orders, the person so offending shall be liable to be tried and punished for the same, in like manner to all intents and purposes as if the said crimes had been committed at sea on board any of the ships or vessels of the Indian navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any court martial to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any court martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any of the offences specified in the several articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing articles and orders), which shall not be committed upon the main sea or in great rivers only, beneath the bridges of the said rivers nigh to the sea, or any haven, river or creek within the jurisdiction of the Admiralty, and which shall not be committed by such persons.

ACTS of 1844.

sons as at the time of the offence committed shall be in actual service and full pay in the Indian navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing articles and orders.

IV. Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any court martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any land officer or soldier on board any transport ship, for any of the offences specified in the several articles contained in this Act.

V. And it is hereby further enacted, that the Governor-general of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant commissions to any officer commanding in chief any fleet or squadron of ships or vessels of war, to call and assemble courts martial, consisting of captains, commanders and lieutenants; and that in case any officer commanding in chief any fleet or squadron of ships or vessels of war (who shall be authorized by the Governor-general or Governor in Council for the time being, to call and assemble courts martial in foreign parts), shall happen to die, or be recalled or removed from his command, then the officer upon whom the command of the said fleet or squadron shall devolve, not under the rank of commander, and so from time to time the officer not under the rank of commander who shall have the command of the said fleet or squadron, shall have the same power to call and assemble courts martial, as the first commander in chief of the said fleet or squadron was invested with.

VI. Provided always, and it is hereby enacted, that no commander in chief of any fleet or squadron of the Indian navy, or detachment thereof, consisting of more than five ships or vessels, shall preside at any court martial, but that the officer next in command to such officer commanding in chief shall hold such court martial and preside thereat, any law, custom or usage to the contrary notwithstanding.

VII. And it is hereby further enacted, that if any three or more of the ships or vessels of the Indian navy shall happen to meet together in foreign parts, then and in such case it shall be lawful for the senior officer of the said ships or vessels, not under the rank of commander, to hold courts martial and preside thereat from time to time as there shall be occasion, during so long time as the said ships or vessels of the Indian navy, or any three or more of them shall continue together.

VIII. Provided nevertheless, and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in command to the senior officer or commander in chief of any fleet or squadron of the ships of the Indian navy in foreign parts, to hold courts martial or preside thereat, in such case it shall be lawful for the said Governor-general or Governor in Council, as also the commander in chief of any such squadron of the ships or vessels of the Indian navy in foreign parts respectively, to appoint the third officer in command to preside at or hold such court martial.

IX. And it is hereby further enacted, that no court martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such superior officers, captains, commanders or lieutenants, then and there present, as are next in seniority to the officer who presides at the court martial, such lieutenants not to exceed two-fifths of the whole court: Provided always, and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor-general or Governor in Council (as the case may be) or any officer empowered to order or hold courts martial, to direct or ascertain the particular number of persons of which any court martial to be held or appointed by virtue of this Act shall consist:

X. And it is hereby further enacted, that upon all trials of offenders by any court martial, all the officers present who are to constitute the said court martial, shall, before they proceed to such trial, take such oath as is hereinafter mentioned, upon the Holy Evangelists, before the court, which oath the judge advocate or his deputy, or the person appointed to officiate as such, is hereby authorized and required to administer, in the words following; (that is to say)

"I, A. B.,

"I, A. B., do swear that I will administer justice according to the articles and orders established by an Act passed for the better securing the observance of an exact discipline in the Indian navy, without partiality, favour or affection, and if any case shall arise, which is not particularly mentioned in the said articles and orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court martial, unless thereunto required by an Act of the Governor-general of India in Council.

ACTS of 1844.

"So help me God."

And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

"I, A. B., do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereunto required by an Act of the Governor-general of India in Council.

"So help me God."

XI. And it is hereby further enacted, that in case any person in the Indian navy being called upon to give evidence at any court martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish every such offender by imprisonment, at the discretion of the court, such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in Her Majesty's courts by indictment or information, and every issue joined in any such indictment or information shall be tried according to the laws in force in such cases.

XII. And it is further enacted, that in every information or indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the commission or authority for holding the court martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such court.

XIII. And it is hereby further enacted, that no sentence of death given by any court martial shall be put in execution, till after the report of the proceedings of the said court shall have been made to the said Governor-general in Council, and his directions shall have been given therein.

XIV. And it is further enacted, that the judge advocate for the time being, or his deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by court martial, and in the absence of the judge advocate and his deputy, the court martial shall have full power and authority to appoint any person to execute the office of judge advocate.

XV. And it is further enacted, that all the powers given by the several articles and orders established by this Act, shall remain and be in full force with respect to the crews of such of the ships or vessels of the Indian navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the officers of the said ships or vessels shall remain and be in full force, as effectually as if such ships or vessels to which they did belong were not so wrecked, lost or destroyed, until they shall be regularly discharged from the East India Company's further service, or remove into some other of the ships or vessels of the Indian navy, or until a court martial shall be held to inquire into the causes of the loss of the said ships or vessels; and if upon such inquiry it shall appear by the sentence of the court martial that all or any of the officers or seamen of the said ships or vessels did their utmost to preserve, get off or recover the same, and

ACTS of 1844.

since the loss thereof have behaved themselves obediently to their superior officers according to the discipline of the Indian navy, and the said articles and orders hereinbefore established, then all the pay and wages of the said officers and seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such court martial, or removal into some other of the ships or vessels of the Indian navy, and every such officer and seamen of the ships or vessels of the Indian navy who, after the wreck or loss of his ship or vessel, shall act contrary to the discipline of the Indian navy, and the several articles and orders hereinbefore established, or any of them, shall be sentenced by the said court martial and punished as if the ship or vessel to which he did belong was not so wrecked, lost or destroyed.

XVI. And it is further enacted, that all the pay and wages of such officers and seamen of any of the ships or vessels of the Indian navy as are taken by the enemy, who, upon inquiry at a court martial shall appear by the sentence of the said court to have done the utmost to defend the said ships or vessels, and since the taking thereof have behaved themselves obediently to their superior officers according to the discipline of the Indian navy, and the said articles and orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such court martial, or until they shall be regularly discharged from the East India Company's service, or removed into some other of the ships or vessels of the Indian navy, or if they shall die in captivity or not live to the time of the holding of such court martial, to the time of their death, in such manner and not otherwise, as if the said ships or vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any court martial for any offence to be committed against this Act, unless the complaint of such offence be made in writing to the Governor-general in Council or Governor in Council, or some officer empowered to order a court martial, or unless a court martial to try such offender shall be ordered by the said Governor-general or Governor in Council, or such officer either within three years after such offence shall be committed, or within one year after the return of the ship or vessel, or of the squadron to which such offender shall belong, into any of the ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided always, that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the office of the Lord High Admiral of Great Britain, or any Vice-Admiral, or any judge or judges of the Admiralty, or his or their deputy or deputies, or any other officers or ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's dominions, or from any person or court whatsoever, any power, right, jurisdiction, pre-eminence or authority which he or they or any of them lawfully hath, have or had, or ought to have or enjoy, before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any court martial shall not be delayed by the absence of any of its members, provided a sufficient number doth remain to compose such court, which shall and is hereby required to sit from day to day (Sundays always excepted), until the sentence be given, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding; and no member of the said court martial shall absent himself from the said court during the whole course of the trial, upon pain of being cashiered from the East India Company's service, except in case of sickness, or other extraordinary and indispensable occasion, to be judged of by the said court.

ACT

Passed by the Governor-General of India in Council, on the 15th June 1844.

An Act for making Trisoollee Pyce no longer a Legal Tender within the Province of Benares, and for their withdrawal from Circulation.

It is hereby enacted, that from and after the 1st day of August 1844, the Trisoollee pyce struck for the province of Benares, under the provisions of Regulation X. of 1809, and VII. of 1814, and at the Saugor mint, shall cease to be a legal tender within the province of Benares.

II. And it is hereby enacted, that until the said 1st day of August 1844, such Trisoollee pyce shall be received on account of the Government, and shall be exchanged by tale (that is to say, every Trisoollee pyce paid in shall be received as one Company's pyce, and one Company's pyce shall be given for every Trisoollee pyce presented for exchange), at such treasuries or other places within the province of Benares as shall be pointed out for that purpose in any proclamation of the Lieutenant-governor of the North Western Provinces.

III. And it is hereby enacted, that immediately after the passing of this Act, the said Lieutenant-governor shall issue a proclamation, pointing out the treasuries or other places within the province of Benares, at which such Trisoollee pyce shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant-governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoollee pyce as may appear to the officer appointed to receive or exchange the same under this Act, to be undoubtedly spurious.

IV. And it is hereby enacted, that it shall be lawful for the said Lieutenant-governor, if he shall see fit, to order that in any case one Company's rupee shall be given for every 64 Trisoollee pyce so presented for exchange, and that in every such case one Company's rupee shall be given for every 64 Trisoollee pyce accordingly.

ACT No. XIV. of 1844.

Passed by the Governor-General of India in Council, on the 6th July 1844.

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to Sentences of Transportation for Life.

I. It is hereby enacted, that within the territories subject to the government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the court to think such prisoner not a proper subject for transportation, which special reasons the court is hereby directed to record.

II. And it is hereby enacted, that within the said territories, whenever any offender shall have been sentenced in the first instance by a commissioner of circuit or sessions judge to imprisonment for life, or whenever a commissioner of circuit or sessions judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single judge of the Sudder Court to sentence such offender at the same time to transportation beyond sea for life, and such single judge is hereby directed to sentence such offender at the same time to transportation beyond sea for life, unless there should be special reasons inducing him to think such offender not a proper subject for transportation, which special reasons he is hereby further directed to record.

ACTS of 1844.

ACT No. XV. of 1844.

Passed by the Governor-General of India in Council, on the 6th July 1844.

AN ACT for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844.

Whereas by Article 17 of Schedule (A.) annexed to Act No. XIV. of 1836, by Article 18 of Schedule (A.) annexed to Act No. I. of 1838, and by Article 19 of Schedule (A.) annexed to Act No. VI. of 1844, certain rates of duty are to be charged on the importation into the ports of Bengal and Orissa, and the ports subject to the Presidencies of Bombay and Madras, of cotton and silk piece-goods, the produce of any place other than the United Kingdom or any British possession: and whereas it is expedient that the same rates of duties should be charged on other foreign goods of a like description:

It is hereby enacted, that from and after the 1st day of January 1845, the rates of duty prescribed for the said articles by the said Schedules, shall be charged on the importation into the ports of Bengal and Orissa, and the ports subject to the Presidencies of Madras and Bombay, of all manufactures of silk or cotton, and of silk and cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British possession, and of all foreign made up articles of the said manufactures, or of which any part of the materials is of the said manufactures:

 ACT No. XVI. of 1844.

Passed by the Governor-General of India in Council, on the 27th July 1844.

AN ACT for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay.

Whereas by Act VI. of 1844, all inland, transit and town duties levied on behalf of the government of the East India Company, within the limits of the territories subordinate to the Presidency of Fort St. George, were abolished, and the impost on salt manufactured and sold within the said territories was raised to a rate more in accordance with the tax on the same article borne by other divisions of the British possessions: and whereas, although inquiries which have been instituted as to the origin and extent of certain town duties and local cesses within the Presidency of Bombay with a view to their abolition, have not yet been completed, it is nevertheless expedient, in order to equalize the average prices of salt within the Presidencies of Fort St. George and Bombay, to increase as well the customs duty on imported salt, as the excise duty heretofore and at present payable on salt that may be delivered from any salt-work within the territories subject to the government of the Presidency of Bombay:

I. It is hereby enacted, that from the 1st day of September 1844, section 1 of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the 1st day of September 1844, there shall be paid to the Government on every maund of 3,200 tolas weight of salt that may be delivered from any salt-work within the territories subject to the government of the Presidency of Bombay, a duty of one Company's rupee.

III. And it is hereby enacted, that section 43, Act I. of 1838, shall be repealed.

IV. And it is hereby enacted, that on application by the exporter from any port of the Presidency of Bombay of any salt that has paid the excise duty fixed by section 2 of this Act, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate the quantity of salt specified

specified therein shall be landed at any other port of the said Presidency of Bombay, and shall be passed from such port into the interior under cover of the passes applicable to the free passage of salt, without the levy of any further duty either of excise or customs.

ACTS of 1844.

V. And it is hereby enacted, that so much of Schedule (A.) appended to Act I. of 1838, as provides that on salt imported by sea into any port of the Presidency of Bombay, and not covered by a pass, there shall be levied a duty of eight annas per maund of 80 tolas per seer, and so much of Schedule (B.) appended to Act I. of 1838, as provides that salt having paid the excise duty of eight annas a maund shall be permitted to be exported free of duty from any port or place in the Presidency of Bombay, shall be repealed.

VI. And it is hereby enacted, that on salt imported by sea into any port of the Presidency of Bombay, and not covered by a pass, there shall be levied a duty of one Company's rupee per maund of 3,200 tolas weight, and that salt having paid the excise duty of one Company's rupee per maund shall be permitted to be exported free from further duty from any port of the Presidency of Bombay.

ACT No. XVII. of 1844.

Passed by the Governor-General of India in Council, on the 10th August 1844.

AN ACT for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government.

I. It is hereby enacted, that from and after the 1st day of October 1844, the administration of civil and criminal justice, the superintendence of the police, and the collection and superintendence of the revenues of every description, within that portion of the lapsed territory of Colaba which is bounded on the east by the Nagotna River, and the talookas of Sunkse and Rujpooree, on the south by the Rewodunda River, on the west by the sea, including the Islands of Colaba, Oonderee and Khanderee (Henery and Kenery), and on the north by the harbour of Bombay, shall vest in such agent to the Governor of the Presidency of Bombay, as shall be appointed by the Governor in Council, and shall be exercised by the said agent, with the aid of such assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the agent aforesaid, and of all the officers subordinate to his control and authority, and to determine to what extent the decision of the agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Udalut, and to define the authority to be exercised by the agent in criminal trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

III. And it is hereby enacted, that upon the receipt of any criminal trials referred by the agent under the rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udalut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a sessions judge.

IV. And it is hereby enacted, that upon the receipt of any appeal from a decree of the agent duly preferred under the rules to be prescribed as aforesaid, the court of Sudder Udalut shall proceed to try and determine it in the same manner as appeals from the zillah courts.

V. And it is hereby enacted, that each of the portions of the lapsed territory of Colaba not included within the boundaries specified in section I of this Act,

ACTS of 1844.

shall be subject to the same laws and regulations, and shall be governed in all respects in the same manner as the portions of the territories subject to the Government of Bombay, by which such portions of the said lapsed territory may be respectively surrounded, or to which such portions of the said lapsed territory may be respectively contiguous.

ACT No. XVIII. of 1844.

Passed by the Governor-General of India in Council, on the 7th September 1844.

AN ACT for the better Control and Management of Gaols within the Bengal Presidency.

I. It is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the judges of circuit, the commissioners of circuit, the superintendents of police and the Sudder Nizamut Adawlut, with control and superintendence over the several gaols of the Presidency of Fort William in Bengal, the prisoners confined in them, the establishments thereunto belonging, and the places of banishment or transportation of prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the magistrates and joint magistrates, acting under the instructions of the zillah and city judges, and that the magistrates, joint magistrates and zillah and city judges, shall be guided in regard to all matters relating to the gaols under their charge, the prisoners confined in them, the establishments thereunto belonging, and the places of banishment or transportation of prisoners, by such orders as they may receive from their respective local governments.

ACT No. XIX. of 1844.

Passed by the Governor-General of India in Council, on the 14th September 1844.

AN ACT for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions, within the Presidency of Bombay.

It is hereby enacted, that from the 1st day of October 1844, all town duties, kusub veeras, mohturfas, ballootee taxes and cesses of every kind on trades or professions, under whatsoever name levied within the Presidency of Bombay, and not forming a part of the land revenue, shall be abolished.

ACT No. XX. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th October 1844.

AN ACT to amend the Law relating to Advances bonâ fide made to Agents entrusted with Goods, by extending to the Territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 VICTORIA, c. 39, as altered by this Act.

Whereas by Act XIII. of 1840, the provisions of the statute 4 Geo. IV. c. 83, as altered and amended by the statute 6 Geo. IV. c. 94, were extended to the territories of the East India Company, in cases governed by English law; and whereas by the statute 5 & 6 Vict. c. 39, the said statute 6 Geo. IV. c. 94, is altered and amended, and the provisions thereof are extended:

I. It

I. It is hereby enacted, that the statute 5 & 6 Vict. c. 39, as altered by this Act, shall from and after the passing of this Act, be extended to the territories of the East India Company: Provided always, that this Act shall not be construed to affect any case which would not have been governed by the law of England before the passing of the last-mentioned statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's courts of justice.

ACTS of 1844.

The statute hereby extended to the territories of the East India Company, and as altered by this Act, is as follows:

5 & 6 VICT. Cap. XXXIX. as altered by this Act.

AN ACT to amend the Law relating to Advances bonâ fide made to Agents entrusted with Goods.

Whereas by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to alter and amend an Act for the better protection of the Property of Merchants and others who may hereafter enter into Contracts or Agreements in relation to Goods, Wares and Merchandize entrusted to Factors or Agents," validity is given under certain circumstances, to contracts or agreements made with persons entrusted with and in possession of the documents of title to goods and merchandize, and consignees making advances to persons abroad who are entrusted with any goods and merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the law, advances cannot safely be made upon goods or documents to persons known to have possession thereof as agents only: And whereas by the said Act it is, amongst other things, further enacted, "that it shall be lawful to and for any person to contract with any agent entrusted with any goods, or to whom the same may be consigned for the purchase of any such goods, and to receive the same of and to pay for the same to such agent, and such contract and payment shall be binding upon and good against the owner of such goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made is an agent; provided such contract or payment be made in the usual and ordinary course of business, and that such person shall not, when such contract is entered into or payment made, have notice that such agent is not authorized to sell the same, or to receive the said purchase money:" And whereas advances on the security of goods and merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to bonâ fide advances upon goods and merchandize, as by the said recited Act is given to sales, and that owners entrusting agents with the possession of goods and merchandize, or of documents of title thereto, should in all cases where such owners by the said recited Act or otherwise would be bound by a contract or agreement of sale, be in like manner bound by any contract or agreement of pledge or lien for any advances bonâ fide made on the security thereof: And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect exchanges of securities bonâ fide made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same, and to extend the provisions thereof, and to put the law on a clear and certain basis: Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act any agent who shall thereafter be entrusted with the possession of goods, or of the documents of title to goods, shall be deemed and taken to be owner of such goods and documents, so far as to give validity to any contract or agreement by way of pledge, lien or security bonâ fide made by any person with such agent so entrusted as aforesaid, as well for any original loan, advance or payment made upon the security of such goods or documents, as also for any further or continuing advance in respect thereof, and such contract or agreement shall be binding upon and good against the owner of such goods, and all other persons interested therein, notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an agent.

Bonâ fide advances to persons entrusted with the possession of goods or documents of title, though known to be agents, protected.

Bonâ fide deposits in exchange protected ;

but no lien beyond the value of the goods given up.

But the statute to be construed to protect only transactions bonâ fide without notice that the agent pledging is acting without authority or malâ fide against the owner.

Meaning of the term "Document of Title."

And when agent entrusted.

And when in possession.

What to be deemed a "Contract or Agreement" and "Advance."

Possession primâ facie evidence of entrusting.

II. And be it enacted, that where any such contract or agreement for pledge, lien or security, shall be made in consideration of the delivery or transfer to such agent of any other goods or merchandize, or document of title or negotiable security, upon which the person so delivering up the same had at the time a valid and available lien and security for or in respect of a previous advance by virtue of some contract or agreement made with such agent, such contract and agreement, if bonâ fide on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an advance within the true intent and meaning of this Act, and shall be as valid and effectual to all intents and purposes, and to the same extent, as if the consideration for the same had been a bonâ fide present advance of money: Provided always, that the lien acquired under such last-mentioned contract or agreement upon the goods or documents deposited in exchange, shall not exceed the value at the time of the goods and merchandize which, or the documents of title to which, or the negotiable security which shall be delivered up and exchanged.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such loans, advances and exchanges as shall be made bonâ fide, and without notice that the agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting malâ fide in respect thereof against the owner of such goods and merchandize; and nothing herein contained shall be construed to extend to or protect any lien or pledge for or in respect of any antecedent debt owing from any agent to any person with or to whom such lien or pledge shall be given, nor to authorize any agent entrusted as aforesaid in deviating from any express orders or authority received from the owner; but that, for the purpose and to the intent of protecting all such bonâ fide loans, advances and exchanges as aforesaid (though made with notice of such agent not being the owner, but without any notice of the agent's acting without authority), and to no further or other intent or purpose, such contract or agreement as aforesaid shall be binding on the owner and all other persons interested in such goods.

IV. And be it enacted, that any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, warrant or order for the delivery of goods, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented, shall be deemed and taken to be a document of title within the meaning of this Act; and any agent entrusted as aforesaid and possessed of any such document of title, whether derived immediately from the owner of such goods or obtained by reason of such agent's having been entrusted with the possession of the goods, or of any other document of title thereto, shall be deemed and taken to have been entrusted with the possession of the goods represented by such document of title as aforesaid, and all contracts pledging or giving a lien upon such document of title as aforesaid, shall be deemed and taken to be respectively pledges of and liens upon the goods to which the same relates; and such agent shall be deemed to be possessed of such goods or documents, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf; and where any loan or advance shall be bonâ fide made to any agent entrusted with and in possession of any such goods or documents of title as aforesaid, on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods or documents of title as aforesaid, and such goods or documents of title shall actually be received by the person making such loan or advance, without notice that such agent was not authorized to make such pledge or security, every such loan or advance shall be deemed and taken to be a loan or advance on the security of such goods or documents of title within the meaning of this Act, though such goods or documents of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement whether made direct with such agent as aforesaid, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such agent; and any payment made, whether by money or bills of exchange, or other negotiable security, shall be deemed and taken to be an advance within the meaning of this Act; and an agent in possession as aforesaid of such goods or documents shall be taken, for

for the purposes of this Act, to have been entrusted therewith by the owner thereof, unless the contrary can be shown in evidence. **ACTS of 1844:**

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the civil responsibility of an agent for any breach of duty or contract, or non-fulfilment of his orders or authority in respect of any such contract, agreement, lien or pledge as aforesaid. Agent's civil responsibility not to be diminished.

VI. Provided always, and be it enacted, that if any agent entrusted as aforesaid shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer or delivery of any goods or documents of title so entrusted to him as aforesaid, as and by way of a pledge, lien or security, or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any advance on the faith of any contract or agreement to consign, deposit, transfer or deliver such goods or documents of title as aforesaid, every such agent shall be deemed guilty of a misdemeanor, and being convicted thereof shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the court shall award; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court, to any of the punishments which the court shall award, as hereinbefore last mentioned: Provided nevertheless, that no such agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer or delivery, was justly due and owing to such agent from his principal, together with the amount of any bills of exchange drawn by or on account of such principal, and accepted by such agent: Provided also, that the conviction of any such agent so convicted as aforesaid, shall not be received in evidence in any action at law or suit in equity against him, and no agent entrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any court of law or equity in any action, suit or proceeding which shall have been bonâ fide instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioner of bankrupt or of any insolvent court. Agent making consignments contrary to instruction of principal, guilty of misdemeanor.

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such owner as aforesaid from having the right to redeem such goods or documents of title, pledged as aforesaid, at any time before such goods shall have been sold, upon repayment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such agent, if by him required, of any sum of money for or in respect of which such agent would by law be entitled to retain the same goods or documents, or any of them, by way of lien as against such owner, or to prevent the said owner from recovering of and from such person with whom any such goods or documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such goods, after deducting the amount of the lien of such person under such contract or agreement as aforesaid: Provided always, that in case of the bankruptcy or insolvency of any such agent, the owner of the goods which shall have been so redeemed by such owner as aforesaid, shall in respect of the sum paid by him on account of such agent for such redemption, be held to have paid such sum for the use of such agent before his bankruptcy or insolvency, or in case the goods shall not be so redeemed, the owner shall be deemed a creditor of such agent for the value of the goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled in either of such cases to prove for or set off the sum so paid, or the value of such goods, as the case may be. Right of owner to redeem; or to recover balance of proceeds.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a body corporate or company as well as an individual; and that words in the singular number shall, when necessary to give effect to the In case of bankruptcy, owner to prove for amount paid to redeem, or for value of goods, if unredeemed. Interpretation of Act.

ACTS of 1844.

Not to affect any contract made before the passing of this Act.

intention of the said Act, import also the plural, and vice versâ; and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in anywise to affect any contract, agreement, lien, pledge or other act, matter or thing made or done before the passing of this Act.

ACT No. XXI. OF 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 16th November 1844.

AN ACT for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company, to Jamaica, British Guiana and Trinidad.

I. It is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of natives from the ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana and Trinidad respectively, are repealed: Provided always, that the aforesaid Act, No. XIV. of 1839, shall remain in full force in all the ports of India, except the ports aforesaid, and in regard to emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that after the passing of this Act, emigrant labourers, being native inhabitants of the territories under the government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana and Trinidad respectively, from the ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as emigration agents at the aforesaid ports respectively, and to exercise the powers conferred on emigration agents by this Act, and every such emigration agent shall make monthly reports to the Government to which he is subordinate, of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated, to nominate a proper person to act as protector of emigrants at the aforesaid ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any emigrant, being a native of India, who may embark for the purpose of labouring for hire in any of the colonies of Jamaica, British Guiana or Trinidad from any of the ports aforesaid, in any ship or vessel, unless a license be obtained for carrying emigrants in such ship or vessel from the Government of the Presidency in which the port is situated: a fee not exceeding one rupee per emigrant, as may be regulated from time to time by the local Government, shall be demandable in respect of every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any such license shall be entirely discretionary with the Government; and in consideration of such license the master of every ship conveying or destined to convey emigrants from India shall execute a bond, binding himself and his owners in a penal sum of 10,000 rupees, to conform to the several conditions herein provided, and the said bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the colony to which the emigrants are to be conveyed, and one copy shall be forwarded to the Government of such colony, to be dealt with as the case may require: and every ship or vessel in which any such emigrant shall be conveyed without a license being obtained as aforesaid, shall be liable to be forfeited, and the master thereof shall be

be liable as for a misdemeanor, in a fine of 1,000 rupees for every such emigrant so illegally conveyed. ACTS of 1844.

VI. And it is hereby enacted, that it shall not be lawful for the master of any vessel licensed as above, to receive on board any emigrant labourer, as above provided, unless such labourer shall have in his possession and show a certificate or pass, to be given to him by the emigration agent of the port, countersigned by the protector, stating his name and the name of his father, and his age, and certifying that having appeared before such agent, he has declared his willingness to proceed to work for hire in the colony to which such vessel is bound, and has been engaged by him as an emigrant to such colony, on the part of the Government thereof.

VII. And it is hereby enacted, that before any ship or vessel so licensed to carry emigrant labourers as above provided, shall be cleared out from any of the aforesaid ports for any one of the three colonies aforesaid, it shall be necessary for the master of such ship or vessel, provided any emigrant of the description aforesaid shall embark therein, to obtain from the emigration agent so nominated and authorized at such port as aforesaid, a certificate under the hand of such agent, to the effect following, that is to say—

1st. That such agent has by personal communication done what is required on the part of such agent by the third article of the Schedule hereunto annexed, provided always that every such agent shall make the inquiries specified in such Schedule in an open court or public office, to which all persons shall have admission.

2dly. That all the directions contained in the 4th, 5th, 6th and 7th articles of the said Schedule, for ensuring the health and safety of passengers, have been duly complied with.

3dly. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor-general in Council shall from time to time frame, touching the medical attendance and medical stores, and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the ports aforesaid respectively, shall, for the purposes of this Act, be deemed to be:—For the port of Calcutta, 20 weeks; for the port of Madras, 19 weeks; for the port of Bombay, 19 weeks; and that no ship or vessel carrying emigrant labourers to Jamaica, British Guiana or Trinidad, shall sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing.

IX. And it is hereby enacted, that before any ship or vessel shall be cleared out from any of the aforesaid ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the master thereof to deliver to the emigration agent, so nominated and authorized at such port as aforesaid, the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the master of any ship or vessel shall at any of the ports aforesaid take on board such ship or vessel any emigrant labourer of the description aforesaid, and shall clear such ship or vessel for Jamaica, British Guiana or Trinidad, without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable on conviction before any magistrate or justice of the peace, in a penalty of 200 rupees for every emigrant labourer so taken on board his ship or vessel.

XI. And it is hereby enacted, that if the master of any ship or vessel shall, after having cleared such ship or vessel at any such port as aforesaid for Jamaica, British Guiana or Trinidad, take on board any such emigrant labourer as aforesaid without having entered such emigrant labourer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such emigrant prior to clearance, he shall be liable on conviction before any magistrate or justice of the peace, in a penalty not exceeding 500 rupees for every emigrant so taken on board his ship or vessel.

ACTS of 1844.

XII. And it is hereby enacted, that if any master of any ship or vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship or vessel, its passengers or other matters to which such certificate relates, such master shall be liable on conviction in any penalty not exceeding 5,000 rupees, besides incurring a forfeiture of any bond executed in consideration of any licence obtained for the vessel as originally described.

XIII. And it is hereby enacted, for the greater security against emigrant labourers being embarked for Jamaica, British Guiana or Trinidad contrary to the provisions of this Act, that all the powers vested by law in the officers or customs in regard to the searching and detention of ships or vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of such emigrants as aforesaid on board ships or vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all pilots in the service of the East India Company shall be invested with the same powers, and be charged with the same duties, as preventive officers of customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt by means of intoxication or by false imprisonment, or other means of crimping, to export any native on board any ship or vessel contrary to the provisions of this Act, shall be liable to be punished on conviction before a magistrate in a fine not exceeding 500 rupees, or imprisonment not exceeding six months; provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad, with emigrant labourers duly embarked thereon, the customs officer on board such vessel shall countersign the pass or certificate brought on board such vessel by every such emigrant labourer, and shall keep a register of every such emigrant labourer as may come on board; and such customs officer shall remain on board such vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the crew and passengers and emigrant labourers has been made in his presence, and in that of the pilot in charge of the vessel; and after the customs officer has taken muster and quitted the vessel, the pilot shall continue to exercise the duties indicated in section 13 of this Act, and it shall be lawful for him, if he shall deem it necessary, to require the master or commander to take a general muster of the crew and passengers and emigrant labourers on board, and to sign a muster roll so taken, and every such custom-house officer and pilot shall make a complete report of the emigrant labourers on board of any ship at the time of his quitting the same, and such report shall contain a declaration, that to the best of the declarant's belief, no additional emigrant labourers have been received on board since obtaining the certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act, and every such report or muster, if any, shall be transmitted without delay to the emigration agent of the port; and any custom-house officer or pilot who shall wilfully make a false, erroneous or incomplete report of the emigrant labourers on board of any ship, or who shall connive at the unauthorized embarkation of any such emigrant labourers, shall be liable, besides dismissal, to a fine of 500 rupees, commutable, if not paid, to imprisonment in the Calcutta gaol for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the masters of ships or vessels are liable by this Act, shall be enforced by information laid before any justice of the peace at the instance of the emigration agent,

agent, or of any officer appointed for the purpose by the Government of the place or Presidency, or may be enforced by putting in suit the bond given by the master, if such bond has been given in consideration of the licence granted to the ship.

ACTS of 1844.

SCHEDULE.

1. The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit, to act as emigration agents at Calcutta, Madras and Bombay.

2. The remuneration to be given to any such agent in India, shall not depend upon or be regulated by the number of the emigrants sent by him, but shall be in the nature of an annual salary.

3. Every such emigration agent shall ascertain, by personal communication with every emigrant previously to his or her embarkation from the port or place for which such agent shall have been appointed, that such emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the colony to which he or she is about to emigrate from the place where he or she is about to embark; and such agent shall explain the real advantages likely to be derived by such emigrant from a removal to such colony, at the same time cautioning such emigrant against unreasonable and unwarrantable expectations; and such agent shall also ascertain that every such emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity or disease.

4. It shall not be lawful to ship on board of any ship or vessel carrying emigrants from India to any of the colonies aforesaid, any number of passengers exceeding the proportion of one person for every two tons of the registered burthen of such ship or vessel, and no such ship or vessel carrying emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such ship or vessel shall have more than two tiers of berths, and that no such ship or vessel shall carry passengers on any such voyage to any of the colonies aforesaid, unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and whatever may be the tonnage of the ship or vessel, no greater number of passengers shall be taken on board of such ship or vessel, than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of passengers within the meaning of these Regulations, two children under the age of ten years shall be considered as equal to, and shall be reckoned as one person only.

6. There shall be actually laden on board of every ship or vessel conveying emigrants into any of the colonies aforesaid, at the time of departure of such ship or vessel from the port or place at which such labourers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers, over and above the victualling of the crew, to the amount or in the proportion following; that is to say, a supply of water to the amount of five gallons for every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks, and a supply of rice, bread, biscuit, flour, oatmeal or bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: Provided always, that when any such ship or vessel shall be destined to call at a port or place in the course of her voyage, for the purpose of filling up her water-casks, a supply of water at the rate before mentioned

ACTS of 1844.

for every week of an average voyage to such port or place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with, in any case when it shall be made to appear that by the special authority of the Governor-general of India in Council, any other articles of food were substituted for the articles above enumerated, as being in his judgment equivalent thereto.

7. Before any such ship or vessel shall be cleared out on any such voyage, the agent appointed for the port or place from which such ship or vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for ensuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof under his hand to the master of such ship or vessel.

8. The master of every ship or vessel conveying emigrants to Jamaica, British Guiana or Trinidad, shall be bound to provide for and furnish to every such emigrant, and his wife and children, a sufficient quantity of good and wholesome provisions for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such ship or vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the agent at the port or place at which such emigrants shall embark, shall be delivered to the master by such agent on demand, at the time of clearance, and shall be kept on board of every ship or vessel carrying such emigrants as aforesaid, and one of such copies shall, upon request made at reasonable times to the master of the ship or vessel, be produced to any passenger for his perusal.

10. The master of every ship or vessel carrying emigrants from India to any of the three colonies aforesaid, shall before clearing out such ship or vessel, deliver to such agent at the port or place from which such vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be the names, ages and occupations of all and every the emigrants on board such ship or vessel, and such agent shall thereupon deliver to the said master the counterpart of such lists, signed by such agent, and the said master shall on the arrival of such ship or vessel at the place of destination, and previous to the disembarkation of any such emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the protector of immigrants appointed or to be appointed at the colony at which the said ship or vessel may have arrived.

11. Provided always, that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's ships of war.

ACT No. XXII. of 1844.

Passed by the Right Honourable the Governor-General of India in Council, on the 28th December 1844.

AN ACT for regulating the Copper Coinage of the Mints in the Territories of the East India Company.

1. It is hereby enacted, that from and after the passing of this Act, the following copper coins only shall be issued from any mint within the territories of the East India Company:

- | | | | | | | |
|--|---|---|---|---|---|------------------|
| 1. A Pice, weighing | - | - | - | - | - | 100 grains troy. |
| 2. A Double Pice | - | - | - | - | - | 200 " " |
| 3. A Pie of one-twelfth of an Anna-piece | - | - | - | - | - | 33½ " " |

with such devices as shall be fixed for the same by the Governor-general in Council.

II. And

II. And it is hereby enacted, that from and after the passing of this Act, the said pice shall be a legal tender throughout the territories of the East India Company for $\frac{1}{8}$ of the Company's rupee, and the said double pice for $\frac{1}{4}$ of the Company's rupee, and the said pie for $\frac{1}{16}$ of the Company's rupee.

ACTS of 1844.

III. And it is hereby enacted, that all copper coins of the weights specified in section 1 of this Act, which may have been issued since the passing of Act XXI. of 1835, from any mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in section 2 of this Act, within that Presidency.

IV. Provided always, that none of the said copper coins shall be legal tender except for fractions of a rupee.

INDEX TO THE ACTS
OF THE
SUPREME GOVERNMENT OF INDIA,
FOR THE YEAR 1844.
(Nos. I. to XXII.)

A.	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Act 9 Geo. 4, so much of, as respects the period of the execution of persons convicted of murder, shall cease to have effect in the East India Company's territories. [See Execution] - - - - -	X.	I.	- -	Her Majesty's Courts.
— XXVII. of 1837, Section 1 of, repealed	XVI.	I.	- -	Bombay.
— I. of 1838, section 43 of, repealed. [See Salt] - - - - -	"	III.	- -	Bombay.
— I. of 1838, so much of Schedule (A.) of, as provides for the levy of a duty of 8 annas per maund of salt imported by sea, and so much of Schedule (B.) as permits such salt to be exported free, repealed -	"	V.	- -	Bombay.
Acts of Government of India as vest the judges of circuit, commissioners of circuit, superintendents of police and the Sudder Nizamut Adawlut with control over jails, prisoners and establishments, and places of banishment and transportation of prisoners, repealed. [See Regulations and Jails] - - - - -	XVIII.	I.	- -	Presidency of Fort William.
Act XIV. of 1839, relating to the emigration of natives from Calcutta, Madras and Bombay to Jamaica, British Guiana and Trinidad, repealed. [See Emigration] -	XXI.	I.	- -	General.
Administration of the state of Colaba. [See Colaba.]				
Advances bonâ fide made to agents entrusted with the possession of goods or documents of title thereto, protected, and contracts made with such agents to be binding upon agents by the extension to the Company's territories of Statute 5 & 6 Vict. c. 39 -	XX.	I.	- -	Her Majesty's Courts.
— bonâ fide deposit of goods made in exchange to such agents to be considered as effectual as advances made in money, but in such case no lien shall be acquired beyond the value of the goods given up -	"	II.		
— The statute to be construed to protect only transactions bonâ fide, without notice that the agent pledging is acting without authority or malâ fide against the owner - - - - -	"	III.		
— meaning of the term "Document of Title," when agent to be deemed entrusted and when in possession of goods, and what to be deemed a contract or agreement and advance; possession primâ facie evidence of entrusting - - - - -	"	IV.		
— agent's civil responsibility for breach of duty or contract not to be diminished	"	V.		
— agent making consignments, deposits, transfers or delivery of goods contrary to instruction of principal, guilty of misdemeanor, as also persons assisting the agent in such proceedings; the agent not liable to prosecution if the deposits or transfers do not exceed the sums owing to the agent by the principal -	"	VI.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Advances: owner may redeem goods pledged by the agent, or recover balance of proceeds from persons with whom they may have been pledged; in case of bankruptcy or insolvency of the agent, owner to prove for amount paid to redeem, or for value of goods if unredeemed - - -	XX.	VII.		
— interpretation of terms used in this Act - - -	"	VIII.		
— not to affect contracts made before the passing of this Act - - -	"	IX.		
Agents, bonâ fide advances made to, entrusted with goods or documents of title thereto by owners thereof, protected. [See Advances.]				
Appeals to the Queen in Council, expense of preparing copies in English of the proceedings in cases of, from the judgments of the Sudder Dewanny to be borne by the prosecuting parties - - -	II.	I.	- -	General.
— not admissible till deposit within proper time of a sufficient sum for covering expense of making copies - - -	"	II.	- -	General.
— summary, may be received by zillah or city judges from orders of principal sudder ameens or sudder ameens rejecting original suits instituted in their respective courts. [See Principal Sudder Ameens and Sudder Ameens] - - -	IX.	IV.	- -	General.
B.				
Ballootee taxes. [See Town Duties] - - -	- -	- -	- -	Bombay.
Benares, withdrawal of the circulation of trisoollee pyce from the province of. [See Trisoollee Pyce.]				
Bombay, state of Colaba placed under agent to the Governor of. [See Colaba.]				
Bombay Marine. [See Navy.]				
British Guiana, emigration of natives of the Company's territories to. [See Emigration] - - -	- -	- -	- -	General.
C.				
Carnatic, privileges of the Nabob of the; the Nabob Regent, their respective families, dependants and retinue protected. [See Nabob] - - -	- -	- -	- -	Madras.
Cesses upon trades and professions. [See Town Duties] - - -	- -	- -	- -	Bombay.
Colaba, state of, placed under administration of an agent to be appointed by the Governor of Bombay in Council, and its boundary defined - - -	XVII.	I.	- -	Bombay.
— Governor in Council may prescribe rules for the guidance of the agent and his subordinate officers, and determine the judicial powers of the agent in civil and criminal trials - - -	"	II.	- -	Bombay.
— Foujdary Udalut to pass final judgment on trials referred by the agent as in ordinary course - - -	"	III.	- -	Bombay.
— Sudder Udalut to try appeals from the agent's decree, in the same manner as appeals from zillah courts - - -	"	IV.	- -	Bombay.
— portions of the lapsed territory of, not included within the defined boundaries, to be subject to the laws and regulations by which the portions of the Bombay territories may be governed, to which such portions of the lapsed territory may be contiguous - - -	"	V.		
Commissioners of circuit relieved of their control and superintendence over jails, prisoners, &c. [See Jails] - - -				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Copper Coins. [See Trisoolée Pyce.]				
the issue of, of different weights regulated	XXII.	I.	-	General.
such pyce shall be legal tender for what value	"	II.	-	
those of weights mentioned in section 1 of this Act issued since Act XXI. of 1835, shall be legal tender for the value specified in section 2	"	III.	-	
shall not be legal tender but for fractions of a rupee	"	IV.	-	
Corporal punishment substituted for imprisonment in certain cases. [See Larceny]	III.	I.	-	Presidency of Fort William.
Cotton manufactures and silk and cotton mixed with other material of foreign produce, import duty on, modified. [See Duty]	XV.	-	-	General.
Courts martial in the Indian navy. [See Navy.]				
Criminal business, despatch of, facilitated in the Supreme Court at Calcutta. [See Supreme Court.]				
Customs duties; Regulations of Madras Code imposing transit or inland, under the Madras Presidency, rescinded	VI.	I.	-	Madras.
Regulations of same code imposing sea customs duties, rescinded. [See Regulations]	"	II.	-	
the foregoing not to prevent the levy of any municipal tax, or toll on bridges, roads, canals, piers or causeways, or any fee for lighthouses	"	III.	-	
to be levied on goods imported by sea into the Presidency of Fort St. George	"	IV.	-	
to be levied on goods exported by sea from ditto	"	V.	-	
to be levied on goods passing by land into or out of foreign European settlements, adjacent to the Presidency of Fort St. George	"	VI.	-	
the Governor in Council may declare by notice in the Gazette, the territory of native chiefs beyond the jurisdiction of the courts to be foreign	"	VII.	-	
chokees may be established for the levy of duties on goods passing into or out of foreign territory; powers of officers of such chokees defined; goods not to be allowed to pass without a certificate of duty paid in full	"	VIII.	-	
the Governor in Council may appoint officers to collect duties and to grant certificates of payments; if the goods do not correspond with the certificate what course to be adopted	"	IX.	-	
the appointment of officers to receive, on the frontier to be notified in the official Gazette; such officers shall grant certificates on receipt of the proper duty	"	X.	-	
certificates not to bear date more than 30 days before the arrival of the goods; certificates not used may be renewed	"	XI.	-	
routes by which goods may cross the land frontier to be notified in the official Gazette; goods brought by other routes liable to detention or confiscation	"	XII.	-	
goods crossing frontier clandestinely to be confiscated	"	XIII.	-	
penalty for officer permitting goods to cross the frontier without certificate or by prohibited route	"	XIV.	-	
penalty for a chokee officer needlessly injuring goods or wrongfully detaining them	"	XV.	-	

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Customs duties; goods imported by sea from foreign European settlements or native states declared foreign, to be liable to duties leviable on foreign bottoms - -	VI.	XVI.		
no dutiable goods entered in either of the Schedules of this Act to be exempted unless under special order of Government; customs collectors may pass free any baggage in actual use -	"	XVII.		
under what circumstances goods may be imported duty free from any other Madras port - - - -	"	XVIII.		
credit may be given at any Madras port for duties paid at any other British Indian port on goods imported from thence - - - -	"	XIX.		
Governor in Council to notify from time to time in the official Gazette, the valuation of articles liable to ad valorem duty - - - -	"	XX.		
when no value has been fixed or declared on any goods passed for importation and exportation, duty to be levied according to the market value -	"	XXI.		
the market value on ad valorem goods how and by whom to be declared; written applications to be made for the passing of goods; what the application to contain - - - -	"	XXII.		
declaration of market value to be submitted to appraising officer who shall countersign it if correct; the collector may purchase undervalued goods at the price declared - - - -	"	XXIII.		
Government to notify in the official Gazette the ports for landing and shipping merchandize; goods landing at other ports to be confiscated - - - -	"	XXIV.		
manifests of cargo to be sent in by masters of vessels on arrival; the Governor in Council may appoint places beyond which no inward-bound vessel, excepting certain country craft, shall pass until the master has forwarded the manifest of cargo - - - -	"	XXV.		
penalty for a master delivering a manifest not containing a full and true specification of cargo, and for goods found on board in excess of the manifest, or differing in any respect from the specification in the manifest - - - -	"	XXVI.		
masters of inward-bound vessels remaining outside of the places fixed, shall deliver manifests to the proper person first coming on board; penalty for the master refusing to deliver a manifest -	"	XXVII.		
no vessel to break bulk until the collector of customs has received ship's papers - - - -	"	XXVIII.		
goods moved from or put on board of any vessel without due entry previously made in the custom-house, or permission given for discharge of cargo, to be seized as contraband; goods attempted to be landed or put on board in contravention of this Act, how to be dealt with - - - -	"	XXIX.		
penalty on masters if cargo do not correspond with their manifest, or if goods sent out of the vessel be not landed at the prescribed places; provision for the amendment of obvious errors in manifest of cargo - - - -	"	XXX.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Customs duties; one or more places in every port to be appointed for the landing and shipment of goods; goods landing at or shipping from any other place without special permission to be confiscated -	VI.	XXXI.		
the Governor in Council may license boats for landing or shipping merchandise after notification; goods found on any other boats except under special permit to be liable to confiscation -	"	XXXII.		
after notification the collector may station customs officers on board of any vessel -	"	XXXIII.		
penalty for the master of a vessel refusing to receive and accommodate such officer -	"	XXXIV.		
collectors of customs may issue warrant to search any vessel; powers of an officer bearing such warrant; penalty for any master of a vessel resisting officer with warrant for search -	"	XXXV.		
penalty for a master removing or putting on board goods between sunset and sunrise, or when the custom-house is closed, without leave from collector -	"	XXXVI.		
export cargo boats without permits not allowed to lie alongside vessels on which customs officers are stationed; goods on such boats not covered by a pass to be liable to confiscation -	"	XXXVII.		
in the removal of goods from on board any vessel, a boat-note to be sent with each separate despatch; goods liable to confiscation if found without a boat-note, or out of the track between the vessel and the proper place of landing -	"	XXXVIII.		
goods brought to be passed through custom-house for importation or exportation, if not corresponding with the description in the application liable to confiscation -	"	XXXIX.		
goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the custom-house -	"	XL.		
collector of customs may require goods in bulk to be weighed or measured before landing, and levy duty accordingly -	"	XLI.		
rescinding clause 2, section 11, Regulation I. of 1805 of the Madras Code -	"	XLII.		
fixing the price to be paid for salt within the Madras Presidency -	"	XLIII.		
the Governor-general in Council may grant a remission of this price -	"	XLIV.		
salt having paid the home consumption price may be landed free at any other Madras port under certificate -	"	XLV.		
limited period allowed for discharge of import cargo of vessel on which customs officer may be stationed -	"	XLVI.		
period limited for discharging cargo from any vessel without a customs officer on board; goods remaining on board after the period allowed to be landed and warehoused by order of customs collector, who, with consent of master of vessel, may cause packages to be deposited in the Government warehouses, and may sell goods if not cleared within the period specified -	"	XLVII.		
period limited for putting export cargo on board -	"	XLVIII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Customs duties ; penalty for putting goods on board a vessel after customs officer's removal therefrom, and before one has again been placed thereon - - - - -	VI.	XLIX.		
a port clearance to be granted to the master of every vessel on certificate of all public demands against him having been satisfied - - - - -	"	L.		
rules for levying duty on goods passed through custom-house for shipment after grant of port clearance - - - - -	"	LI.		
cargo of vessels putting back from stress of weather or damage, and compelled to re-land cargo, to be taken charge of by customs officers, and lodged in such place as the collector may direct ; such cargo may be landed as imported goods, the export duty being refunded ; penalty for a master putting back into port without goods on which drawback has been allowed - - - - -	"	LII.		
on goods re-landed before the lading is complete to be refunded, but not after grant of port clearance unless the vessel has put back - - - - -	"	LIII.		
penalty on coasting and country craft for contravening such rules as Governor in Council may lay down for their regulation - - - - -	"	LIV.		
specification of native craft to be treated like coasting craft of the British territories - - - - -	"	LV.		
no drawback allowed on goods shipped on such native craft - - - - -	"	LVI.		
goods re-exported in the same vessel not subject to duty, which to be levied on transhipped goods as if they had been landed and re-exported - - - - -	"	LVII.		
goods liable to confiscation if transhipped without special license from collector - - - - -	"	LVIII.		
customs officers to superintend transshipment - - - - -	"	LIX.		
the collector competent to adjudge confiscations - - - - -	"	LX.		
the collector may exact payment of fine by refusing grant of port clearance - - - - -	"	LXI.		
empowering collectors of customs to decide upon cases of seizure and to adjudge damages, to mitigate penalty of confiscation to the extent of duty, and to distribute part proceeds of sale of confiscated goods in rewards among seizing officers - - - - -	"	LXII.		
all officers of customs amenable to the civil courts for damages on account of any executive acts ; no suits shall lie against collectors or other officers for judicial award in matter of customs - - - - -	"	LXIII.		
penalty for obstructing customs officers in the exercise of their powers - - - - -	"	LXIV.		
penalty for customs officer receiving consideration for doing or forbearing to do any official act - - - - -	"	LXV.		
penalty for a customs officer concerned in defrauding the Customs Revenue - - - - -	"	LXVI.		
penalty for exacting customs or duties without authority as a customs officer - - - - -	"	LXVII.		
Governor in Council may transfer the powers of collector of customs to any other officer, and may make rules and appoint officers to carry this Act into effect, and fix rates for wharfage and rent - - - - -	"	LXVIII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Customs duties; Schedules (A.) to (C.) Customs duty on cotton or silk manufactures, and silk and cotton mixed with any other material. [See Duty]	-	-	-	General.
D.				
Dacoits, Regulation IX. of 1808 of the Ben- gal Code relating to sirdars of gangs of, repealed	IV.	-	-	Presidency of Fort William.
Duties, town, within Bombay Presidency abolished. [See Town Duties.]				
Duty, rates of, levied under Article 17, Schedule (A.) in Act XIV. of 1836, Arti- cle 18, of Schedule (A.) in Act I. of 1838, and Article 19, of Schedule (A.) in Act VI. of 1844, how to be hereafter charged on the import of all foreign manufactures of silk or cotton, and of silk and cotton mixed with any other material	XV.	-	-	General.
Duty (Customs), transit or inland, abolished within the Madras Presidency. [See Cus- toms Duties.]				
on imports and exports by sea within the Madras Presidency. [See Cus- toms Duties.]				
on salt manufactured within or imported by sea into the Bombay Presi- dency. [See Salt.]				
E.				
Emigration of Natives; Act XIV. of 1839, repealed, except as it relates to ports other than Calcutta, Madras and Bombay, and to emigrants proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius	XXI.	I.	-	General.
Emigration, emigrants may be conveyed to Jamaica, British Guiana and Trinidad from the ports of Calcutta, Madras and Bombay	"	II.		
Governments of the several Pre- sidencies may authorize persons nomi- nated by the Governments of Jamaica, British Guiana or Trinidad to act as emigration agents, who shall make monthly reports to the Governments to which they are subordinate	"	III.		
Governments of the several Pre- sidencies may nominate persons to act as protector of emigrants	"	IV.		
emigrants shall not be conveyed without a license from Government; what fee to be levied per emigrant; masters of ships carrying emigrants how to be bound over; penalty for conveying emigrants without a licence	"	V.		
no licensed vessel shall receive on board emigrants without a pass from the emigration agent	"	VI.		
a certificate from the agent con- taining certain particulars necessary before the clearing out of ships carrying emigrants	"	VII.		
probable lengths of voyages of ships from Calcutta, Madras and Bombay to Jamaica, British Guiana and Trinidad	"	VIII.		
masters of ships to deliver to the agent before clearing out, a list of the kind indicated, and to obtain a duplicate thereof	"	IX.		
penalty for masters clearing their ships having emigrants on board without complying with the particulars before mentioned	"	X.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Emigration, penalty for masters of ships taking on board after clearance, emigrants whose names are not entered in the lists aforesaid - - - - -	XXI.	XI.	- -	General.
penalty for masters of ships cleared for Jamaica, British Guiana or Trinidad, committing acts by which the certificate obtained by them becomes inapplicable to the altered state of the ship or passengers, or other matters -	"	XII.		
powers vested by law in customs officers to be exercised by them for the prevention of illegal embarkation of emigrants, and other offences; pilots vested with the same powers as preventive officers of customs in this behalf -	"	XIII.		
attempts by unfair means to export natives, how punishable - -	"	XIV.		
duties required of the preventive officer of customs and pilot on board vessels cleared from Calcutta for Jamaica, British Guiana and Trinidad, in order to prevent embarkation of additional emigrants; penalty for customs officers and pilots making improper reports, or conniving at the unauthorized conveyance of emigrants - - -	"	XV.		
forgery of documents required by this Act, how punishable - - -	"	XVI.		
penalties, how to be enforced from masters of ships - - - -	"	XVII.		
ARTICLES of SCHEDULE in Act XXI. of 1844.				
1. Emigration agents, by whom to be appointed.				
2. Agents how to be remunerated.				
3. Agents to see that no labourers are induced to emigrate by fraud, false or unreasonable expectation, and that they are aware of the distance of their destination.				
4. Number of passengers how to be proportioned to the tonnage of vessels; particular accommodations requisite in such vessels.				
5. Number of passengers how to be computed as regards children.				
6. Ships how to be supplied with provisions and water for the consumption of the passengers.				
7. Provisions and water to be surveyed by a competent person both as to quality and quantity, as also the quality of the vessel.				
8. Masters to supply provisions to emigrants and their families during the voyage, and for a space of 48 hours after the vessel's arrival at her destination.				
9. Masters of ships to be supplied with two copies of these Regulations, one of which to be produced to any passenger requesting it for perusal.				
10. The master to deliver to the agent a list in duplicate, with certain particulars respecting the emigrants, the counterpart of which to be made over to the master, who shall deliver it to the protector of emigrants on arrival at the vessel's destination.				
11. These Regulations not to apply to ships in the service of the Lords Commissioners of the Admiralty, or Her Majesty's ships of war.				
Equity, evidence in cases of. [See Evidence.]				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Evidence, incapacity of witnesses from crime or interest no bar to give, in any civil or criminal actions in Her Majesty's courts; this Act not to repeal any provisions in Act XXV. of 1838; defendants or co-defendants in any cause in equity may be examined as a witness on the behalf of the plaintiff - - - - -	VII.	I.	- -	Her Majesty's Courts.
- - - - - this Act not to affect any suit, action or proceeding commenced before its passing - - - - -	"	II.		
Excise duty on salt manufactured within the Bombay Presidency. [See Salt.]				
Execution of persons convicted of murder in Her Majesty's courts, law respecting the period of, amended. [See Acts] - - -	X.	I.	- -	Her Majesty's Courts.
- - - - - sentence of death may be pronounced after conviction for murder by any of the judges of Her Majesty's courts in the same manner as after convictions for other capital offences - -	"	II.		
Exports by sea from the Presidency of Fort St. George. [See Customs Duties.]				
F.				
Followers of the East India Company's forces imprisoned under sentence of a court martial; the Governor or Governor in Council of any Presidency may order the removal of, from one prison to another within the Presidency under his government, to undergo the remainder of his sentence. [See Native Officers and Soldiers] - - - - -	VIII.	-	- -	General.
G.				
Gang robbery, Regulation IX. of 1808 of the Bengal Code relating to, repealed -	IV,	-	- -	Presidency of Fort William.
I.				
Import duty on Foreign manufactures of silk and cotton, or of cotton and silk mixed with any other materials, modified. [See Duty] - - - - -	XV.	-	- -	General.
Import of goods by sea into the Madras Presidency. [See Customs Duties.]				
Import duty on salt within the Bombay Presidency. [See Salt.]				
Imprisonment for life, offenders sentenced to, to be also sentenced to transportation beyond sea for life. [See Sudder Courts.]				
Indian Navy, better observance of discipline in the. [See Navy.]				
Inland customs duties under the Madras Presidency abolished. [See Regulations] -	VI.	I.	- -	Madras.
J.				
Jails, Regulations of the Bengal Code or Acts of the Government of India, vesting judges of circuit, commissioners of circuit, superintendents of police and the Sudder Nizamut Adawlut, with control over, prisoners and establishments thereof, and the places of banishment or transportation of prisoners, repealed - - - - -	XVIII.	I.	- -	Presidency of Fort William.
- - - - - the whole of the said control vested in magistrates and joint magistrates acting under instructions of the zillah and city judges, and subject to orders of their respective local Governments - - - - -	"	II.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Jails; removal of native officers, soldiers and followers sentenced to imprisonment from one prison to another. [See Native Officers.]				
Jamaica, emigration of natives of the East Indies to. [See Emigration.]				
Judges of circuit, Acts and Regulations vesting, with control over jails within the Presidency of Fort William, the prisoners therein, &c., repealed. [See Jails.]				
K.				
Kusub Veeras. [See Town Duties]	-	-	-	Bombay.
L.				
Larceny (petty), in cases of, corporal punishment substituted for imprisonment -	III.	I.	-	Presidency of Fort William.
offenders of tender age corporally punishable for thefts in the way of school discipline -	"	II.	-	
females exempted from corporal punishment; no other punishment to be superadded to corporal punishment -	"	III.	-	
Law of evidence in Her Majesty's courts improved. [See Evidence.]				
Lotteries not authorized by Government declared illegal -	V.	I.	-	General.
persons how punishable for drawing such -	"	II.	-	
persons how punishable for encouraging or publishing proposals for or being implicated in such -	"	III.	-	
finances incurred under this Act how disposable -	"	IV.	-	
M.				
Madras, abolition of transit and inland customs, and revision of import and export customs duties at. [See Customs.]				
Marines in the Indian Navy. [See Navy.]				
Mohturfas. [See Town Duties.]				
Mookauts upon trades and professions within the Bombay Presidency, abolished. [See Town Duties]	-	-	-	Bombay.
Murder, execution of persons convicted of, in Her Majesty's courts in India. [See Execution.]				
N.				
Nabob of the Carnatic, family, household and retinue of the, protected from liability to civil and criminal process; lists of the persons belonging to the family, household and retinue of the Nabob or Nabob Regent to be published from time to time	I.	I.	-	Madras.
writ or process sued forth against the person or property of the, or of the Nabob Regent, or of any person named in the list last published, shall be null and void, unless the writ be sued forth with the consent of the Governor in Council	"	II.	-	
lists to be furnished from time to time to the Governor-general in Council, and the Governor in Council shall follow directions he may receive from the former respecting the persons included in such lists and matters subject to this Act	"	III.	-	

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Nabob of the Carnatic, this Act not to interfere with any privilege conferred on the, the Nabob Regent, their respective families, &c. &c. by the treaty with the Nabob	I.	IV.		
Native officers or soldiers or followers belonging to the East India Company's forces imprisoned under sentence of a court martial, Governor or Governor in Council of any Presidency may order the removal of any, from one prison to another within the Presidency of his government, to undergo the remainder of his sentence	VIII.	-	-	General.
Navy, Indian, discipline of, improved	XII.	I.	-	Bombay.
Divine service according to the Liturgy of the Church of England to be performed in all ships of war of the Company, and the Lord's Day to be observed	"	"	1.	
persons belonging to the, guilty of profane oaths, cursing, execrations, uncleanness or other scandalous actions, how punishable	"	"	2.	
persons giving or holding intelligence to, or with any enemy or rebel without leave from proper authorities, how punishable	"	"	3.	
persons not acquainting their superior officers within 12 hours with any letter or message received by them from any enemy or rebel, and the superior officers not revealing the same to the officer commanding in chief, within convenient time, how punishable	"	"	4.	
spies found within the Company's territories with any seducing letters or messages from any enemy or rebel, or endeavouring to corrupt any person belonging to, how punishable	"	"	5.	
penalty for persons belonging to, relieving an enemy or rebel with money, victuals, powder, shots, ammunition or any other supplies	"	"	6.	
penalty for persons not delivering entirely and without fraud to the Court of Admiralty, or other court of commissioners, papers, charter-parties, bills of lading, passports and other writings seized in any ship taken as prize	"	"	7.	
penalty for persons taking out of any ship seized for prize any money, plate or goods, except for certain objects, before the same be adjudged lawful prize	"	"	8.	
penalty for persons ill-using or robbing officers, marines or others in ships taken as prize	"	"	9.	
penalty for superior officers belonging to, not making preparations or encouraging the inferior officers to fight upon signal or order or upon likelihood of engagement; and for persons yielding or crying for quarter	"	"	10.	
persons not obeying the orders of their superior officers, or using endeavours for assailing or making defence against any fleet or ship, how punishable	"	"	11.	
persons who through cowardice, negligence or disaffection shall not perform their duty in time of action in taking or assisting ships, how punishable	"	"	12.	
penalty for persons not pursuing the chase of any enemy, pirate or rebel, or relieving a known friend in view through cowardice, negligence or disaffection	"	"	13.	

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Navy, Indian; penalty for persons delaying or discouraging others in action upon pretence of arrears of wages or any other pretence	XII.	I.	14.	
penalty for persons deserting to any enemy, pirate or rebel, or running away with or yielding up ships, or any ordnance, ammunition, stores or provisions belonging thereto	"	"	15.	
persons deserting or enticing others to desert, how punishable; penalty for commanding officers of Company's ships of war receiving deserters from any other ship of Her Majesty or the Company, and not giving notice thereof to the captain of the ship to which such deserter belongs, or to the Government or the officer commanding in chief	"	"	16.	
penalty for officers and seamen of ships appointed for convoy and guard of merchant ships, not defending the ships and goods in their convoy, or exacting any money for conveying of any ships, or misusing masters or mariners thereof	"	"	17.	
penalty for captains or other officers receiving on board any goods or merchandize than for the use of their ships, except gold, silver or jewels, or goods from wrecks	"	"	18.	
penalty for persons making any mutinous assembly or uttering any words of sedition or mutiny; also for persons behaving with contempt to their superior officers	"	"	19.	
penalty for persons concealing any transactions or mutinous practice or design, and any traitorous or mutinous words spoken by any, or any design tending to Her Majesty's prejudice; also for persons not endeavouring to suppress any mutiny or sedition	"	"	20.	
penalty for persons stirring up a disturbance upon a pretence of unwholesome victuals	"	"	21.	
penalty for persons striking or lifting up weapons against their superior officers in the execution of their office, or quarrelling with or disobeying any command of their superior officers	"	"	22.	
penalty for persons quarrelling or fighting with others, or using provoking language or gestures	"	"	23.	
penalty for embezzlement or wasteful expense of powder, ammunition or other stores	"	"	24.	
penalty for persons setting fire to any magazine or store of powder, or ship, boat, ketch, hoy or vessel, &c. &c., not appertaining to any enemy, pirate or rebel	"	"	25.	
penalty for vessels stranded or run upon rocks or sands, or split or hazarded through wilful negligence or other defaults	"	"	26.	
penalty for persons sleeping upon their watch, or negligently performing their duty or forsaking their station	"	"	27.	
murders committed by persons belonging to, punishable with death	"	"	28.	
penalty for persons committing unnatural crimes with man or beast	"	"	29.	
penalty for committing robbery	"	"	30.	

INDEX TO ACTS OF THE SUPREME

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Navy, Indian; penalty for persons making or signing a false muster or muster-book, or commanding, counselling, procuring or aiding or abetting the making or signing thereof	XII.	I.	31.	
penalty for persons refusing to apprehend any criminal, or to receive or keep any prisoner, or suffering him to escape; captains, officers and others shall endeavour to detect, apprehend and bring to punishment all offenders upon pain of being punished by a court martial	"	"	32.	
penalty for a superior officer, captain or commander, or lieutenant, convicted of behaving in certain respects in a manner unbecoming the character of an officer	"	"	33.	
persons in actual service and full pay guilty of mutiny, desertion or disobedience to lawful commands in any part of the Company's territories on shore, how punishable	"	"	34.	
persons in actual service and full pay committing upon shore out of the Company's territories any of the crimes punishable by these articles, how to be tried and punished	"	"	35.	
period of imprisonment of persons convicted of any offence limited to two years	"	II.		
local jurisdiction of courts martial constituted under this Act for punishing or trying offences, defined	"	III.		
courts martial not to punish or try any land officer or soldier on board any transport ship	"	IV.		
Governor-general and Governors in Council may grant commissions to officers commanding in chief to call and assemble courts martial, and the same how to be constituted	"	V.		General
no commander in chief of any fleet or squadron consisting of more than five ships shall preside at any court martial, but the officer next in command shall	"	VI.		
the senior officer of three or more ships in any foreign parts, not under rank of a commander, may hold and preside over courts martial	"	VII.		
in case of its being objectionable for the person next in command to the senior officer or commander in chief of any fleet or foreign parts, to hold or preside over courts martial, the third officer in command may supply his place	"	VIII.		
courts martial to compose of what number of officers	"	IX.		
form of oath to be taken by members of the courts martial, and the same by whom to be administered	"	X.		
penalty for persons refusing to give evidence, or prevaricate therein or behave with contempt to a court martial; persons committing perjury or subornation of perjury to be prosecuted in Her Majesty's courts by indictment or information	"	XI.		
informations or indictments how to be prosecuted for any such offence	"	XII.		
sentence of death by any court martial not to be executed until receipt of directions from the Governor-general in Council upon report of the court's proceedings	"	XIII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Navy, Indian; Judge Advocate or deputy may administer oaths to witnesses; in their absence the court may appoint any person to act -	XII.	XIV.		
Act to remain in force with respect to crews of ships wrecked or lost, and the officers to retain their authority till discharged or removed to some other ships, or a court of inquiry shall have been held; pay and wages of the officers to be disbursed to them if the result of the inquiry be satisfactory; persons acting contrary to the discipline of the Indian navy after the loss of the ship, how punishable -	"	XV.		
payment of allowances of officers and seamen of ships taken by the enemy, how to be regulated -	"	XVI.		
no person not flying from justice to be tried or punished by a court martial without order of the Governor-general in Council or Governor in Council, or any officer who may order a court martial, and that within specified time after the commission of the offence for which he is to be tried -	"	XVII.	-	General.
Act not to interfere with the Queen's Admiralty power, jurisdiction or authority within her dominion -	"	XVIII.		
absence of members of courts martial not to delay its proceedings if sufficient number remain to compose a court; penalty for members absenting from such courts -	"	XIX.		
O.				
Offenders corporally punishable for thefts. [See Larceny.]				
of tender age, ditto, ditto. [See Larceny.]				
Officers in the Indian Navy. [See Navy.]				
P.				
Petty larceny. [See Larceny.]				
Principal Sudder Ameen or Sudder Ameen, suits cognizable by, to be instituted in their respective courts -	IX.	I.	-	General.
zillah or city judge may withdraw such suits and try himself, or refer for trial to any other court under him -	"	II.		
jurisdiction of, may be defined by the zillah or city judge -	"	III.		
zillah or city judge may receive summary appeals from orders of, rejecting original suits cognizable by them -	"	IV.		
the same stamps to be used in any other court as would have been sufficient in a sudder ameen's court in suits cognizable by him. [See Sudder Ameens.] -	"	V.		
Prisoners sentenced by the sudder courts to imprisonment for life shall at the same time be sentenced to transportation beyond sea for life. [See Sudder Courts.]	XIV.	-	-	General.
Prisons, removal of native officers, soldiers and followers imprisoned under sentence of a court martial from one prison to another. [See Native Officers.]				
Process, civil and criminal, against the person or property of the Nabob of the Carnatic, the Nabob Regent, their respective families, dependents and retinue, the issue of restricted. [See Nabob.]				
Pyce. [See Copper Coin.]				
Pyce, Trisoollee. [See Trisoollee.]				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
R.				
Regulation II. of 1834, of the Bengal Code, Clause 1, Section 2, of, modified - - -	II.	- - -	- - -	Presidency of Fort William.
IX. of 1808 of the Bengal Code, repealed - - - - -	IV.	- - -	- - -	ditto.
X. of 1803, I., III. and VI. of 1812; III. of 1821, and all Regulations of the Madras Code imposing inland or transit duties, repealed - - - - -	VI.	I.	- - -	Madras.
IX. of 1803, excepting Sections 55 to 70; XI. of 1803; XIV. of 1808; XV. of 1808, excepting Section 5; II. of 1812, excepting Sections 15 and 17; IV. of 1812, and such parts of Regulation I. of 1813 of the Madras Code, as relate to duty and drawback on spirituous liquors imported or exported by sea; also Regulation II. of 1816, II. of 1818, III. of 1818, IV. of 1819, and VII. of 1819, and all Regulations of the Madras Code for fixing duty on imports or exports by sea, or drawback payable on the same, repealed - - - - -	"	II.	- - -	
Regulation I. of 1805 of the Madras Code; Clause 2, Section XI. of, repealed - -	"	XLII.	- - -	
Regulations of the Bengal Code, as vest the judges of circuit, commissioners of circuit, superintendents of police and the Sudder Nizamut Adawlut, with control over jails, prisoners and establishments and places of banishment or transportation of prisoners, repealed. [See Jails and Acts] - - - - -	XVIII.	I.	- - -	
S.				
Salt, fixing the price to be paid for, manufactured and sold within the Madras Presidency - - - - -	VI.	XLIII.	- - -	Madras.
the Governor-general in Council may grant a remission of the price of - - -	"	XLIV.	- - -	
having paid the home consumption price may be landed free at any other Madras port under certificate - - - - -	"	XLV.	- - -	
manufactured within or imported into the Bombay Presidency, Section 1 of Act XXVII. of 1837 relating to, repealed from 1st September 1844 - - - - -	XVI.	I.	- - -	Bombay.
a duty of one Company's rupee to be paid on every maund of salt delivered from any salt-work within the Bombay Presidency - - - - -	"	II.	- - -	
Section 43, Act I. of 1838, repealed - -	"	III.	- - -	
covered by certificate of payment of excise duty on export thereof, may be landed at any port of the Bombay Presidency, and allowed to pass free into the interior - - - - -	"	IV.	- - -	
repealing so much of Schedule (A.) in Act I. of 1838, as provides for the levy of a duty of eight annas per maund of salt imported by sea, and so much of Schedule (B.) in the said Act which permits such salt to be exported free - -	"	V.	- - -	
imported by sea and not covered by a pass, to pay a duty of one rupee per maund, and salt having paid the excise duty at the same rate may be exported free - - - - -	"	VI.	- - -	

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Seamen in the Company's Navy. [See Navy.]				
Silk manufactures, and silk and cotton mixed with other material of foreign produce, import duty on, modified. [See Duty.]				
Sirdars of Gangs of Dacoits; Regulation IX. of 1808 of the Bengal Code relating to, repealed	IV.	-	-	Presidency of Fort William.
Soldiers belonging to the East India Company's forces imprisoned under sentence of a court martial; Governor or Governor in Council of any Presidency may order the removal of any, from one prison to another within the Presidency of his government, to undergo the remainder of his sentence. [See Native Officers and Followers]	VIII.	-	-	General.
Statute 5 & 6 Vict. c. 39, with alterations extended to the East India Company's territories. [See Advances and Agents.]				
Sudder Ameens; suits cognizable by, to be instituted in their own courts	IX.	I.	-	General.
zillah or city judge may withdraw such suits and try himself, or refer for trial to any other court under him	"	II.		
jurisdiction of, may be defined by zillah or city judge	"	III.		
zillah or city judge may receive summary appeals from orders of, rejecting any original suits cognizable by them	"	IV.		
the same stamp to be used in any other court as would have been sufficient in a sudder ameen's court in suits cognizable by. [See Principal Sudder Ameens]	"	V.		
Sudder Courts sentencing any offender to imprisonment for life shall at the same time sentence him to transportation beyond sea for life, unless the prisoner is not a proper subject of transportation	XIV.	I.	-	General.
a single judge may sentence offenders to transportation for life who may have been sentenced or recommended by the commissioners of circuit or session judge to imprisonment for life	"	II.		
Sudder Nizamut Adawlut relieved of their control and superintendence over jails, prisoners, &c. [See Jails.]				
Suits cognizable by Principal Sudder Ameen or Sudder Ameen. [See Principal Sudder and Sudder Ameen.]				
Superintendents of Police relieved of their control over jails and prisoners. [See Jails.]				
Supreme Court at Calcutta; any one of the judges of the, may sit apart from the other judges for the despatch of criminal business at the same time when the other judges shall be sitting for the despatch of business	XI.	I.	-	Calcutta.
may transact out of term all business which the court may have power to transact in term	"	II.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
T.				
Taxes upon Trades and Professions. [<i>See Town Duties</i>]	-	-	-	Bombay.
Tender aged offenders, how punishable for thefts. [<i>See Larceny.</i>]				
Term, Supreme Court at Calcutta may transact all business out of, which it may have power to transact in term. [<i>See Supreme Court.</i>]				
Thefts, how punishable. [<i>See Larceny.</i>]				
Town Duties; kusub veeras, mohrturfas, bal-lootee taxes, and cesses of every kind on trades and professions within the Bombay Presidency, abolished	XIX.	-	-	Bombay.
Transit Duties under the Madras Presidency, abolished	VI.	I.	-	Madras.
Transportation beyond sea for life; prisoners sentenced by Sudder Courts to imprisonment for life, shall at the same time be sentenced to. [<i>See Sudder Courts.</i>]	XIV.	-	-	General.
Trinidad; emigration of natives of East Indies to. [<i>See Emigration.</i>]				
Trisoolee Pyce shall cease to be a legal tender within the Province of Benares from 1st August 1844	XIII.	I.	-	North Western Provinces.
— shall be received until the above date on account of Government, and exchanged by tale at treasuries within the said province	"	II.		
— Lieutenant-governor to notify the treasuries within the said province where such shall be received and exchanged, and to make rules for the prevention of fraud	"	III.		
— for every 64, one Company's rupee may be given in exchange	"	IV.		
W.				
Witnesses, incapacity of, to give evidence in cases before Her Majesty's courts, removed in certain cases. [<i>See Evidence.</i>]				
Writs against the Nabob of Carnatic, the Nabob Regent, their respective families, dependents and retinue, the issue of, restricted. [<i>See Nabob.</i>]				

EAST INDIA.

ACTS passed by the Right Honourable the GOVERNOR-GENERAL of INDIA in Council, and the Honourable the PRESIDENT of the COUNCIL of INDIA in Council, in 1845 and 1846; with INDEXES.—(Pursuant to Act.)

Ordered, by The House of Commons, to be Printed, 5 July 1848.

ACTS of the Government of India. 1845.

ACT No. I. OF 1845.

Passed by the Governor-General of India in Council, on the 11th January 1845.

AN ACT to amend Act No. XII. of 1841, intituled, "An Act for amending the
" Bengal Code in regard to Sales of Land for Arrears of Revenue." ACTS of 1845.

WHEREAS it is found expedient to amend the existing law for the realization of the Land Revenue:

I. It is hereby enacted, that from the last day of February 1845, the 3d and following sections of Act No. XII. of 1841 are repealed.

II. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kist bundes of any mehal have been regulated, be unpaid on the 1st of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of revenue and all demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of revenue, shall be paid up in each permanently settled district or zillah under their jurisdiction, in default of which payment the estates in arrear in those districts, except as hereinafter provided, shall be sold at public auction to the highest bidder; and the said Board shall give notice of the dates so fixed in the official Gazettes, and shall direct corresponding publication to be made, as far as regards each district, in the language of that district, in the office of the Collector or Deputy Collector, or other officer duly authorized to hold sales under this Act, in the courts of the judge, magistrate (or joint magistrate, as the case may be), principal sudder ameens, sudder ameens and moonsiffs, and at every thannah station of that district; and the dates so fixed shall not be changed, except by the said Board, by advertisement and notifications in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted, that in districts not permanently settled, and in the province of Benares, no sale shall take place for arrears of land revenue or other demands of Government, without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale; provided that the said Board, at the time of authorizing such sale, shall fix the latest day on which in each case such arrears or demands shall be received.

467.

V. Provided

ACTS of 1845.

V. Provided always, and it is hereby enacted, that no estates shall be sold for the recovery of arrears or demands, of the descriptions mentioned below, otherwise than after a notification, in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than 15 clear days preceding the date fixed for payment, according to section III. or IV. of this Act, as the case may be, in the office of the Collector or other officer duly authorized to hold sales under this Act, in the court of the judge within whose jurisdiction the land advertised lies, in the courts of the principal sudder ameens, and sudder ameens of the district, and in the moonsiff's court and police thannah of the division in which the estate to which the notification relates, or a part of it, is situated, the same to be certified by the receipt of the officer at whose office such notification may have been affixed; and also at the cutcherry of the malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon, or other person employed for the purpose.

First.—Arrears due from estates in the province of Benares.

Secondly.—Arrears due from estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of estates other than that to be sold.

Fifthly.—Arrears of estates under attachment by order of any judicial authority.

Sixthly.—Arrears due on account of tuccavee, poolbundee, or other demands not being land revenue, but recoverable by the same process as arrears of land revenue.

VI. And it is hereby enacted, that the Collector or other officer duly authorized to hold sales under this Act shall, as soon as possible after the latest day of payment fixed in the manner prescribed in section III. or IV. of this Act, issue notifications in the language of the district, to be affixed in his own office and in the court of the judge of the district, and to be published in the official Gazettes, specifying the estate or estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than 15 or more than 30 clear days from the date of affixing the notification in the office of the Collector or other officer as aforesaid; and, except as hereinafter provided, all estates so specified shall, on the day notified for sale, or on the day or days following, be put up to public auction by and in the presence of the Collector or other officer as aforesaid, and shall be sold to the highest bidder; and no payment, or tender of payment, made subsequent to sunset of the said latest day of payment shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted, that whenever an estate is notified for sale as provided by section VI. of this Act, the Collector or other officer as aforesaid shall affix a proclamation, in the language of the district, in his own office, and as soon thereafter as may be in the moonsiff's courts and police thannahs within which the estate, or any part of it is situated, and also at the cutcherry of the malgoozar of the estate, or at some conspicuous place upon the estate, forbidding the ryots and under-tenants to pay rent to the defaulting proprietor or proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government, shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

IX. And

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment, receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of revenue due from it; to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate; and in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a court of justice for the possession of the same or any part thereof, it shall be competent to the judge of the zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants; and if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent civil court that the deposit was made in order to protect an interest of the said party, which would have been endangered or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit, with interest, from the proprietors of the said estate.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector, for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years; and no estate held under attachment by the revenue authorities, otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment; and no estate held under attachment by a Revenue officer, in pursuance of an order of a judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector, at any time before the sale of an estate shall have commenced, to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale by a special order to the Collector to that effect in each case; and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate: Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other officer duly authorized by Government in that behalf in the land revenue cutcherry at the Sudder station of the district; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such cutcherry, whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector or other officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry, and so on, from day to day, until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, recorded and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

ACTS OF THE

4

ACTS of 1845.

XIV. And it is hereby enacted, that on the day of sale fixed according to section VI. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the towjee or registers in use in the Collector's office of the district being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other officer as aforesaid, to put up any estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in section XV. of this Act.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the estate as the Collector may think necessary, either in cash, Bank of Bengal notes or post bills, or Government securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the estate shall forthwith be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase-money shall be made good by the purchaser before sunset of the 30th day from that on which the sale of the estate bought by him took place, reckoning that day as one of the 30; or if the 30th day be a Sunday or other close holiday, then on the first office day after the 30th; and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold; and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold; and if default of payment of purchase-money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids: Provided always, that every such re-sale shall be made after notification, and in the forms prescribed by section VI. of this Act; and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred; provided also, that payment or tender of payment by or on behalf of the proprietor of the arrear for which the estate was first sold, and of the arrear which may have subsequently become due, if such payment or tender of payment be made before sun-set of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by section XV. of this Act, shall bar such re-sale.

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the 15th day from the date of sale, reckoning as in section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate made under this Act which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest at the current rate of Government securities on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's office, and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the local Government to annul the sale; and the local Government in any such case may annul the sale, and cause the estate to be restored to the proprietor, on such conditions as may appear equitable and proper.

XIX. And

XIX. And it is hereby enacted, that all sales of which the purchase-money has been paid up as prescribed in section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the 30th day from the day of sale, reckoning the said day of sale as the first of the said 30 days; and sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than 30 days from the day of sale, or if less, then at noon of the 30th day, as above provided.

XX. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other officer as aforesaid, shall give to the purchaser a certificate of title in the following form :—

“ I certify, that *A. B.* has purchased at public auction under Act No. I. of 1845, *Mehal C.*, and that his purchase has taken effect on and since the day of (being the date of the day after that fixed for the last day of payment).

(signed) “ *D. E.*, Collector.”

And the said certificate shall be deemed in any court of justice sufficient evidence of the title to the estate sold being vested in the person or persons named, from the date specified; and the Collector shall also notify such transfer by written proclamation in his own cutcherry, and in those of the moonsiff and darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the cutcherry of the malgoozar of the estate, or on some conspicuous place on the estate; and shall apply the purchase-money first to the liquidation of all arrears due upon the latest day of payment; and secondly, to the liquidation of all outstanding demands debited to the muhal in the public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt; provided, that, if prior to payment of any surplus that may remain of the purchase-money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of decrees of court for such debts; and if the balance of purchase-money have in any such case been paid away in liquidation of the proprietor's just debts by order of any court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by section XX. of this Act, and the amount of deposit and balance of purchase-money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of revenue, shall be answerable for all instalments of the revenue of Government which may fall due subsequently to the latest day of payment aforesaid.

XXIV. And it is hereby enacted, that no sale for arrears of revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a court of justice except upon the ground of its

ACTS of 1845.

having been made contrary to the provisions of this Act; and except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under section XVII. of this Act, and except the action in the civil court be instituted within one year from the date of the sale becoming final and conclusive, as provided in section XIX. of this Act; and no person shall be entitled to contest the legality of a sale after having received any portion of the purchase-money; provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person, considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a court of justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVI. And it is hereby enacted, that the purchaser of an estate, sold under this Act for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa and Benares, shall acquire the estate free from all incumbrances which may have been imposed upon it after the time of settlement; and shall be entitled, after notice given under section X., Regulation V. 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First.—Tenures which were held as istemraree or mocrere, at a fixed rent, more than 12 years before the permanent settlement.

Secondly.—Tenures existing at the time of the decennial settlement, which have not been, or may not be, proved to be liable to increase of assessment on the grounds stated in section LI. Regulation VIII. of 1793.

Thirdly.—Lands held by khod kasht or kudeemee ryots, having rights of occupancy at fixed rents, or at rents assessable according to fixed rules under the Regulations in force.

Fourthly.—Lands held under *bond fide* leases, at fair rents, temporary or perpetual, for the erection of dwelling-houses or manufactories, or for mines, gardens, tanks, canals, places of worship, burying-grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly.—Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding 20 years, under written leases, registered within a month from their date:

Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease, and the names of the parties, shall at the same time be given by the latter to the Collector in every case; and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the public revenue will be materially affected thereby: the exception declared in this clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his office with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties; provided also, that a purchaser of an estate at a sale for arrears of revenue shall be at liberty by suit in court to set aside all such farms, although the same be under-written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in districts other than those mentioned in section XXVI., shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like

like, settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter or renew ; saving always and except *bonâ fide* leases of ground for the erection of dwelling-houses or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, watercourses, or the like purposes, which leases or engagement shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect ; provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that, according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the local Government, when it shall seem proper, at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments or other encumbrances, with which a proprietor in possession, his ancestors or predecessors, may have burthened his assessed estate, or to such of them as shall appear proper ; in all such cases, notice of the condition imposed by the local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the local Government may direct : Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in section XIX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made, without other restrictions than those contained in the exceptions specified in clauses 1 to 5 of sect. XXVI. of this Act ; if after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the local Government to direct that the muhal shall be sold without any other restriction than those contained in the exceptions specified in clauses 1 to 5 of sect. XXVI. of this Act, or with the reservation before reserved ;—in the former event, should the purchase-money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the local Government to direct a portion or the whole of the excess to be paid to persons whose interests, having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that, excepting co-partners of estates under butwarrah who may have saved their shares from sale under sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or co-partner who may purchase in his own name or in the name of another the estate of which he is proprietor or co-partner, or who, by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act, and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its encumbrances existing at the time of sale, and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXX. And it is hereby enacted, that arrears of rent which on the latest day of payment may be due to the defaulter from his tenants, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint, which might have been used by him for that purpose on or before the said latest day.

ACTS of 1845.

XXXI. And it is hereby enacted, that any Collector or officer exercising the powers of Collector in respect to sales, shall be competent to punish any contempt committed in his persence in open cutcherry or office for the time being, by fine, to an extent not exceeding 200 Company's rupees, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the magistrate to whom such an offender may be sent by the Collector as aforesaid, shall carry his sentence into effect; provided that an appeal from any order passed under this section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid, by making the deposit required by section XV. of this Act, shall be held to be a contempt.

XXXIII. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations, under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the town of Calcutta, or the settlements of Singapore, Penang or Malacca.

ACT No. II. OF 1845.

Passed by the Right Honourable the Governor-General of India in Council, on the 18th January 1845.

AN ACT for regulating the Punishment of Adultery in the Courts of the East India Company, in the Territories subject to the Presidency of Bombay.

I. It is hereby enacted, that whenever any person shall be convicted of the offence of adultery by any of the courts of the East India Company within the Territories subject to the Presidency of Bombay, such person shall be sentenced to fine or imprisonment, or both, at the discretion of the court, and shall not be sentenced to any other punishment whatever, any law or regulation to the contrary notwithstanding.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for adultery other than the husband of such woman, and that no person shall be admitted to prosecute any man for adultery other than the husband of the woman with whom such man is alleged to have committed adultery.

ACT No. III. OF 1845.

Passed by the Governor-General of India in Council, on the 15th February 1845.

AN ACT vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

WHEREAS it is not now by law necessary, within the territories subject to the Presidency of Fort William in Bengal, to take any security for costs in appeals before the Sudder Courts; and whereas no security for costs is now required by law in appeals from the decisions of moonsiffs; and whereas it is expedient that appeals from all courts should be put in this respect upon a uniform footing:

It is therefore hereby enacted, that within the said territories it shall not be necessary, in any court of appeal of the East India Company, to take any security for costs, but it shall be in the discretion of every such court of appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer, any law or regulation to the contrary notwithstanding.

ACT

ACT No. IV. of 1845.

ACTS of 1845.

Passed by the Governor-General of India in Council, on the 1st March 1845.

AN ACT to amend the Law regarding the Registration of Deeds.

I. It is hereby enacted, that from and after the passing of this Act, deeds may be registered in any registry office within the Presidency of Fort William in Bengal, whether such office be in the district where the property or any part thereof to which such deeds relate is situated, or not.

II. Provided always, and it is hereby enacted, that when the registry office in which a deed is registered is in a district in which the whole of the property to which such deed relates is not situated, it shall be the duty of the register of the said office to forward to the office of the district or districts in which the whole or any part of such property is situated, a copy of the deed, as registered and indorsed in his office, the said copies to be furnished and attested as prescribed in clause 1, section 2, Regulation XX. 1812; and the register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And it is hereby enacted, that for every such copy required for transmission to any office as aforesaid, the party registering shall pay the usual fee, and the register receiving the same shall duly account for the same to the several registers, to whose offices copies may be transmitted for registry.

IV. And it is hereby enacted, that a memorial of any deed shall be held to be duly registered according to law, in respect to any property which may be situated in any one district, as soon as the original deed, or a copy thereof (as the case may be), shall have been registered in manner aforesaid in the registry office of such district, whether or not a copy thereof have been registered in all or any of the other districts in which the property to which the deed relates may be situated.

 ACT No. V. of 1845.

Passed by the Governor-General of India in Council, on the 22d March 1845.

AN ACT concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers.

I. It is hereby enacted, that section 5, Regulation XI. of 1826, of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act, any person may be appointed to be a Hindoo or Mahomedan law officer in any of the courts of justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

 ACT No. VI. of 1845.

Passed by the Governor-General of India in Council, on the 5th April 1845.

AN ACT to amend the Law regarding the issue of Commissions of the Peace.

WHEREAS it is inconvenient to issue a new general commission of the peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any persons not named in the general commission last issued to act as justices of the peace: It is hereby enacted, that the Supreme Court of Judicature of each of the said

ACTS of 1845. Presidencies shall and may from time to time, upon the order or warrant of the Executive Government of such Presidency, issue separate commissions to any persons not named in the general commission of the peace last issued, who by law are capable of being appointed to the office of justice of the peace, and who shall be nominated and appointed by such Executive Government to act as justices of the peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency town; and all such commissions shall be issued in the name of the Queen's Majesty, Her heirs and successors, under the seal of the Supreme Court, and tested in the name of the Chief Justice of such Court, and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as supplementary to the general commission of the peace last issued, which shall remain in full force.

ACT No. VII. OF 1845.

Passed by the Governor-General of India in Council, on the 12th April 1845.

AN ACT for regulating the levy of Water Rent, Tolls and Dues on certain Canals for Irrigation and Navigation, constructed by Government in the North Western Provinces, and for the protection of the said Canals from injury.

WHEREAS numerous canals have been constructed and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation, and also for navigation so far as it may be practicable to unite the two objects; and whereas it is requisite to regulate the levy of rents, tolls or dues on such canals, and to provide for their protection from injury:

I. It is hereby enacted, that the Lieutenant-governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the provisions of this Act applicable to any such canal.

II. And it is hereby enacted, that the said Lieutenant-governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water-rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such canals, as may be found most suitable to the peculiar circumstances of each; the rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water-rent due for lands irrigated by the canal shall be levied, either by temporary deprivation of the benefits of the canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said canals, or to any of the watercourses drawn and supplied therefrom, or damages the banks of the canal, or the works constructed for its maintenance, or wilfully defiles the water in the canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable on conviction before the magistrate by imprisonment without labour for a term not exceeding 14 days, or fine to an amount not exceeding 50 rupees, or both; and in default of payment of such fine, by additional imprisonment for 14 days.

VII. And

VII. And it is hereby enacted, that if the owner of any boat, float or raft navigating any such canal, shall refuse to pay the prescribed toll, it shall be lawful for the officer charged with the levy of tolls on the canal, to detain such boat, raft or float, and if the toll be not paid in the course of ten days, then it shall be lawful for the said officer, under the direction of the superintendent of the canal, on the tenth day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the division, and his sanction obtained thereto.

ACTS of 1845.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant-governor of the North Western Provinces to appoint officers for the collection of the rent, toll and dues hereinbefore mentioned, and to confer on such officer the powers of deputy collectors for the levy of such rent, and of joint magistrates for the enforcement of such penalties as have been hereinbefore specified.

ACT No. VIII. OF 1845.

Passed by the Governor-General of India in Council, on the 19th April 1845.

AN ACT for amending Section 75, and Chap. XVII. of Regulation IV. of 1827 of the Bombay Code.

WHEREAS it has been deemed expedient to amend section 75, and Chapter XVII. of Regulation IV. of 1827 of the Bombay Code, under which security for the payment of costs or the performance of the orders of a civil court is demanded from public officers in cases of appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the law above-mentioned, that from the date of promulgation of this Act, no security shall be demanded for the payment of costs, or the performance of the orders of a civil court from any public officer in cases of appeal which are carried on under the authority and at the expense of Government in the Bombay Presidency.

ACT No. IX. OF 1845.

Passed by the Governor-General of India in Council on the 17th May 1845.

AN ACT for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.

I. It is hereby enacted, that from and after the 1st day of June 1845, so much of Schedule (A.) annexed to Act XIV. of 1836, so much of Schedule (A.) annexed to Act I. of 1838, and so much of Schedule (A.) annexed to Act VI. of 1844, as relates to the rates of duty to be charged on the goods next hereinafter specified, be repealed.

Marine stores, the produce or manufacture of the United Kingdom or of any British Possession.

Marine stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or of any British Possession.

Metals, wrought or unwrought, excepting tin, the produce or manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British Possession.

ACTS of 1845.

Woollens, the produce of any other place or country.
Cotton and silk piece-goods, cotton twist and yarn, the produce of the United Kingdom, or of any British Possession.
Cotton and silk piece-goods, cotton twist and yarn, the produce of any other place.
Wines and liqueurs.
Spirits.
All manufactured articles, not included in the enumeration contained in the said Schedules.

II. And it is hereby enacted, that from and after the said 1st day of June 1845, all the provisions of the three above-mentioned Acts which have reference to so much of the Schedules (A.) to those Acts respectively annexed as is repealed by this Act, shall from and after the said day be taken to have reference to the Schedule annexed to this Act, as if the Schedule annexed to this Act had been part of each of the Schedules (A.) above-mentioned.

III. And it is hereby enacted, that Act XV. of 1844, intituled, "An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844," be repealed.

SCHEDULE.

RATES of DUTY to be charged on the following Goods Imported by Sea into any Port of the Presidencies of *Fort William in Bengal, Bombay or Fort St. George.*

ENUMERATION OF GOODS.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
Marine stores, the produce or manufacture of the United Kingdom or of any British Possession.	5 per cent. -	10 per cent.
Ditto - - ditto, the produce or manufacture of any other place or country.	10 per cent. -	20 per cent.
Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession.	5 per cent. -	10 per cent.
Metals, ditto - - ditto, the produce or manufacture of any other place.	10 per cent. -	20 per cent.
Woollens, the produce or manufacture of the United Kingdom or of any British Possession.	5 per cent. -	10 per cent.
Ditto, the produce of any other place or country - -	10 per cent. -	20 per cent.
Cotton and silk piece-goods, and all manufactures of cotton or silk, except thread, twist and yarn, or of cotton or silk, mixed with any other material, the produce of the United Kingdom or of any British Possession.	5 per cent. -	10 per cent.
Ditto, the produce of any other place - - - - -	10 per cent. -	20 per cent.
Cotton thread, twist and yarn, the produce of the United Kingdom or of any British Possession.	3½ per cent. -	7 per cent.
Ditto, the produce of any other place - - - - -	7 per cent. -	14 per cent.
Porter, ale, beer, cyder, and other similar fermented liquors.	5 per cent. -	10 per cent.
Wines and liqueurs - - - - -	1 rupee per imperial gallon.	2 rupees per imperial gallon.
Spirits - - - - -	1 rupee and 8 annas per imperial gallon.	3 rupees per imperial gallon.
And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.		
All manufactured articles, not included in the above enumeration.	5 per cent. -	10 per cent.

ACT No. X. OF 1845.

ACTS of 1845.

Passed by the Governor-General of India in Council, on the 17th May 1845.

AN ACT for empowering Courts to issue Warrants in cases of failure to serve Summons.

It is hereby enacted, that in the territories subject to the government of the East India Company, except the local jurisdiction of the Supreme Courts, whenever in any criminal case a summons to the defendant is by law the first process, it shall be lawful for any court which has issued a summons in such case, to issue a warrant for the apprehension of the defendant in such case, upon proof that due diligence has been used to serve such summons upon the defendant, and that the officer or other person whose duty it may be to serve such summons upon the defendant has been unable to serve such summons; any law or regulation to the contrary notwithstanding.

ACT No. XI. OF 1845.

Passed by the Governor-General of India in Council, on the 24th May 1845.

AN ACT for the better Collection, Management and Disbursement of certain Public Funds and Monies for Police and Municipal purposes throughout the Islands of Bombay and Colaba.

I. It is hereby enacted, that sections 16, 27 and 28, and chapter 3, of Regulation XIX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that the powers of Her Majesty's Justices under section 158 of 33 Geo. 3, c. 52, shall be held to extend over the whole of the islands of Bombay and Colaba.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any houses, buildings or grounds, or of any shop or stall, or of any carriages, carts or horses, or any other matter or thing, shall, upon the order of any two or more justices, make a true return in writing of the annual value of all such buildings, houses and grounds, and of all such shops or stalls, carriages, carts or horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return within eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding 200 rupees.

IV. And it is hereby enacted, that it shall be lawful for the justices, for the better identifying of any house or building chargeable with any assessment, to cause a number to be painted or fixed upon such house or building; and it is hereby enacted, that any person who shall obliterate, deface or destroy such number, shall be liable to a fine not exceeding 200 rupees.

V. And it is hereby enacted,—

1. That it shall be lawful for the Collector of Land Revenue of Bombay to make a quarterly assessment on each and every shop and stall within the islands of Bombay and Colaba, according to such rates as the said Governor in Council shall fix by proclamation in the Government Gazette.

2. That the amount of such assessment shall be collected by the Collector, and received in the first instance by such person or persons as he may appoint, such security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities as attach to individuals employed in the collection of land revenue of the said Presidency, shall apply to all persons engaged in collecting the tax.

3. That the tax shall be collected quarterly, and for each payment made a receipt signed by the Collector shall be given by the person receiving the amount.

ACTS of 1845.

VI. And it is hereby further enacted, that all religious edifices, all temporary houses, bungalows or other temporary buildings situated within the limits of military cantonments and occupied by European and Native officers, or by the soldiers and sepoys of Her Majesty's and the Company's army, shall be exempted from the payment of any assessment.

VII. And it is hereby enacted, that the several sums of money specified under the following heads, shall in future be disbursed in the manner provided by this Act; viz.

All sums of money which shall hereafter be collected under the authority of—

The statute 33 Geo. 3, c. 52, s. 158.

Rule, Ordinance and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance and Regulation II. of 1813.

Proclamation dated 23d July 1817, by the Governor in Council of Bombay, of an Order of the Court of Directors, dated 29th January 1817, made under the authority of the Charter of the Court of Requests of Bombay, dated 8th January 1753, save and except the fees thereby made payable to the clerk of the said court for his own benefit.

Rule, Ordinance and Regulation I. of 1818.

Rule, Ordinance and Regulation II. of 1827.

Regulation XIX. of 1827, C. 2, 4, 5 and 6.

Act No. XXVIII. of 1839.

And section 5 of this Act.

All sums of money which shall be levied by the court of petty sessions, or by the magistrates of police of Bombay, or by any of Her Majesty's justices of the peace within the islands of Bombay and Colaba on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India.

All sums of money which shall be collected under Act V. of 1842, on the granting of any licenses for the sale of spirituous or other liquors within the town and islands of Bombay and Colaba, after payment thereof of the expenses of such office establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act may be in the General Treasury to the credit of the County or Assessment Funds, or in the possession of the said court of petty sessions, or of the magistrates of police, or any of Her Majesty's justices of the peace derived from any of the above enumerated sources.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the Collector of Customs of Bombay in his office and character of Collector, nor to such portion of any of the fines which the court of petty sessions, or either of the magistrates of police may, in their discretion order, and which they are hereby authorized to order, to be paid to any prosecutor or his witnesses as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences for which such fines or penalties may have been ordered to be paid.

IX. And it is hereby enacted, that all sums of money which are by the said Act No. XXVIII. of 1839, ordered to be paid out of the fund therein called the County Fund, for the purposes in such Act specified, shall henceforth be paid out of the fund in this Act designated the Municipal Fund.

X. And it is hereby enacted, that the several sums of money referred to in section VII. of this Act, shall, when collected and received, save and except so much as is otherwise provided for, be paid into the General Treasury, and form a fund to be denominated the Municipal Fund, and such fund shall be placed under the supervision and control of Her Majesty's justices of the peace in sessions assembled, or such other persons as to the Government of Bombay may seem

most

most fit; and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of seven members, of whom the senior magistrate of police shall be chairman, and the Collector of Bombay *ex officio* a member, and the other five members shall consist of two European and three Native resident justices, who shall be elected by Her Majesty's bench of justices, or by such other persons as the Government of Bombay may appoint to supervise and control the fund, and shall remain in office for a period of three years, when a fresh election of five other justices to form such Board of Conservancy shall be made by the said bench, or persons appointed for the purpose by the Government of Bombay, and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same justices, or any one or more of them to form the said Board, if in the discretion of the bench, or other persons appointed to superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public; and in the event of a vacancy occurring by death or otherwise among any of the said five members, the said bench, or persons vested with the power by the Government of Bombay, shall, as soon as convenient, elect some other justice of the peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an annual sum of 45,000 rupees shall in the first instance be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the General Treasury, to be applied by the said Governor in Council for and on account of the expenses of the general police throughout the islands of Bombay and Colaba, and in the event of such expenses being at any time hereafter increased by a necessary augmentation of the police force, or through any other good cause, a further sum of money, bearing the same proportion to such increased expenses of the police aforesaid, as the sum of 45,000 rupees bears to the present expenses of the police aforesaid, shall be in like manner deducted and appropriated out of the said fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of money as aforesaid, the residue of the said fund shall be appropriated and disbursed by the said Board, under and subject to the control of Her Majesty's justices of the peace, or other persons appointed for that purpose by the Government, for the following purposes :

1. Defraying the expenses of the establishments necessary for the purposes of this Act.
2. Repairing, cleaning, draining and lighting the public roads, streets, bridges, tanks, market-places and other public places of a like kind.

XIII. And it is hereby enacted, that it shall be lawful for the said Board, with the approval of Her Majesty's justices of the peace, or other persons vested with that power by the Government, to construct any new roads or streets, or other public works tending to the improvement of the said islands, connected with the comfort and health of the inhabitants thereof, which in their discretion they shall deem necessary, and for that purpose to cause estimates and plans to be framed, and to be submitted to the Governor in Council of Bombay for his sanction, but no such new road or street, or other public work, shall be constructed without such sanction of the Governor in Council first had and obtained.

XIV. And it is hereby enacted, that it shall be lawful for the said Board, with the sanction of Her Majesty's justices of the peace in sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal Fund by the Government of Bombay, to nominate and appoint, subject to the approval of the Governor in Council of Bombay :

One or more superintendents of repairs, clerk to the markets, overseers and scavengers, and any other officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said Board, and shall receive such salaries to be paid out of the said fund

ACTS of 1845.

as the said justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

XV. And it is hereby enacted and directed, that for better enabling the said bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said fund from any of the sources aforesaid, there shall in every month be laid before them a summary of all convictions and punishments pronounced and determined by the said court of petty sessions, or either of the magistrates of police, or any justice of the peace respectively, during the preceding month.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of chapter 4, of Regulation XIX. of 1827, shall in future be collected by such person as the Governor in Council shall appoint.

XVII. And it is hereby enacted, that the said Board shall bring to account all items of receipt, and shall, as soon as practicable after 30th April of each year, render to the Governor in Council of Bombay, and the controlling authorities, a yearly account of their receipts and disbursements under this Act, and the same shall be audited by such persons as the said Governor in Council shall appoint.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the fund rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said Board, if they see fit, to refer the subject to the Governor in Council of Bombay, whose decision thereon shall be final.

XIX. And it is hereby enacted and declared, that the terms "Police Fund," "County Fund," and "Assessment Fund," used in any Rule, Ordinance or Regulation, or in any Act of the Government of India in force in the islands of Bombay and Colaba, shall be taken to mean the "Municipal Fund," hereinbefore described.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.

ACT No. XII. OF 1845.

Passed by the Governor-General of India in Council, on the 7th June 1845.

AN ACT for authorizing the employment of the Uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.

It is hereby enacted, that it shall be competent to the Court of Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay to assign to the office of uncovenanted Assistant Register to the Court, any duties at present performed by the Register.

ACT No. XIII. OF 1845.

Passed by the Governor-General of India in Council, on the 28th June 1845.

AN ACT for extending the power of the Supreme Court of Judicature at Bombay, in regard to the Admission and Enrolment of Persons to act as Attornies of the said Court.

WHEREAS the Supreme Court of Judicature at Madras is, by Her Majesty's Charter, authorized and empowered to admit and enrol such persons having been admitted attornies or solicitors in one of Her Majesty's Courts at Westminster,

or

or being otherwise capable, to act in the character of attornies in the said court:

*
ACTS of 1845.

And whereas the Supreme Court of Judicature at Bombay is, by Her Majesty's Charter, authorized and empowered to admit and enrol only such persons having been admitted attornies or solicitors in one of Her Majesty's Courts at Westminster to act in the character of attornies of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons, otherwise capable, to act in the character aforesaid:

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as attornies, as the Supreme Court of Judicature at Madras:

It is therefore hereby enacted, that from and after the passing of this Act, the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as attornies in any of Her Majesty's Courts at Westminster, and also persons being otherwise capable, to act as attornies of the said Supreme Court of Bombay.

ACT No. XIV. OF 1845.

Passed by the Governor-General of India in Council, on the 12th July 1845.

AN ACT to provide for the Appointment of Nazirs in the Moonsiffs' Courts.

I. It is hereby enacted, that so much of clause 4, section 5, Regulation VII. of 1832, of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court, shall, in the Moonsiffs' Courts, be performed by the moonsiffs themselves, and that the tullubamah levied in the Moonsiff's Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the territories subject to the Presidency of Fort William in Bengal, the moonsiffs shall, from and after the passing of this Act, retain on their establishments Nazirs to whom the provisions of clause 8, section 14, Regulation XXVI. of 1814, of the said Code shall be applicable.

ACT No. XV. OF 1845.

Passed by the Governor-General of India in Council, on the 16th August 1845.

AN ACT for declaring and enacting the Privileges of Native Officers and Soldiers of the Armies of the three Presidencies, in respect of Judicial and Revenue Proceedings.

I. WHEREAS doubts have arisen whether the Regulation XV. of 1816, of the Bengal Code is still in force, or how much, if any, of its provisions is still in force; it is, therefore, hereby declared and enacted, that the said Regulation and every provision thereof are still in force.

II. And whereas by virtue of Regulation VIII. of 1817 of the Madras Code, the law for the Madras army is the same as the law hereinbefore declared and enacted for the Bengal army; and whereas it is expedient and just that the law should be the same for the Bombay army also; it is, therefore, hereby enacted, that the said Regulation of the Bengal Code is extended to the army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that army.

III. And whereas it is just and reasonable to extend the privileges conferred upon Native officers and soldiers by the Regulations aforesaid, in respect of exemption

ACTS of 1845.

exemption from stamps in legal proceedings; it is hereby enacted, that all the courts of the East India Company shall receive plaints in original suits, not being suits originating in loans or in pecuniary transactions of a commercial nature, upon unstamped paper, when the plaintiff is a Native officer or soldier in the military establishment of the Presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any stamp from which a plaintiff may be exempted by the last preceding section, shall be charged in the decree on behalf of Government to the party cast or to the parties respectively, in such proportions as may be deemed equitable.

V. And it is hereby enacted, that if any Native officer or soldier shall institute a suit under this Act, in which he is not *bond fide* interested, or not interested to the extent alleged in the plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such Native officer or soldier shall be liable to a fine, not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the suit otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

VI. And whereas by section 4, of Act IV. of 1840, it is enacted, that if any party shall complain to a magistrate or other officer exercising the powers of a magistrate, that he has been without authority of law forcibly dispossessed of any land, premises, water, fisheries, crops or other produce of land within the jurisdiction of such magistrate or other officer as aforesaid, whether the same were possessed by such party as proprietor, dependent talookdar, farmer, under-farmer, ryot, or otherwise, the magistrate or other officer as aforesaid shall require the parties complained against, and any other parties concerned, to appear and make defence in person or by agent within a reasonable time; and if after the examination of the necessary witnesses and documents the complaint appears to him to be substantiated, he shall record a proceeding ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession, until the right to possession be determined by a competent court; provided that no such order shall be passed, unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession; and whereas it is just that when the party complaining is a Native officer or soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim; it is, therefore, hereby enacted, that so much of the above recited section of Act IV. of 1840 as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed so far as regards complaints preferred by Native officers or soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited section of Act IV. of 1840, shall be passed, when the party complaining of having been dispossessed is a Native officer or soldier, unless such party prefer his claim within such period as may be considered by the magistrate reasonable with reference to the distance of the party, and the difficulty of communication.

ACT No. XVI. of 1845.

Passed by the Governor-General of India in Council, on the 16th August 1845.

AN ACT for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

WHEREAS the Provisions of Act XXIX. of 1841 are inconveniently severe as regards appeals, and it is expedient to mitigate the strictness thereof:

I. It is therefore hereby enacted, that whenever an appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall after the passing of this Act have been dismissed under the provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such appeal to re-admit the same, if the appellant shall make application for that purpose on the stamp prescribed for miscellaneous petitions, within three months after the appeal shall have been dismissed, if dismissed by the Sudder Court, and within one month after the appeal shall have been dismissed, if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his vakeel, or by unavoidable accident.

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any appeal which may have been dismissed before the passing of this Act under the provisions of Act XXIX. of 1841, if the appellant shall make application for that purpose on the stamp prescribed for miscellaneous petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his vakeel, or by unavoidable accident.

III. Provided always, and it is hereby enacted, that no appeal which has been re-admitted under this Act, and again dismissed under the provisions of Act XXIX. of 1841, shall be again re-admitted.

 ACT No. XVII. of 1845.

Passed by the Governor-General of India in Council, on the 16th August 1845.

AN ACT for the better Enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. It is hereby enacted, that clauses 1 and 2, section XXXI. and clause 1, section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that within the territories subject to the Presidency of Fort William in Bengal, if any moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the moonsiff shall issue the necessary process for procuring the attendance of such person, and send the same to the moonsiff within whose local jurisdiction such person is, who shall indorse such process, and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said territories all powers now exercised by zillah judges for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their courts, shall from and after the passing of this Act, be exercised by moonsiffs for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their courts: Provided that all orders passed by moonsiffs under this Act shall be subject to an appeal to the zillah or city judge, whose decision thereon shall be final.

ACTS of 1845.

ACT No. XVIII. of 1845.

Passed by the Governor-General of India in Council, on the 23d August 1845.

AN ACT for the Punishment of Offences committed by Convicts sentenced to Imprisonment for Life.

WHEREAS it is expedient that offences committed by convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases :

I. It is hereby enacted, that within the territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the settlements in the Straits of Malacca, any convict sentenced to imprisonment for life, or to transportation for life, who does any act with the intention of thereby causing, or with the knowledge that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with corporal punishment not exceeding 39 stripes, whether such convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such convict as aforesaid who commits any offence whatever other than the offences mentioned in the preceding section, or who is guilty of violent or disorderly conduct after having been punished by the order of the superintendent of the gaol in which he or she is confined, shall, upon conviction thereof before the Sessions Court, subject, if the sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with corporal punishment not exceeding 39 stripes.

ACT No. XIX. of 1845.

Passed by the Governor-General of India in Council, on the 30th August 1845.

AN ACT for Incorporating the Assam Company.

WHEREAS it has been discovered, that there are in the British Province of Assam, and other the north-eastern parts of India, numerous and extensive tracts of country producing the genuine tea plant, and it has been ascertained that the soil and climate are in all respects adapted for the cultivation of the tea plant on an extensive scale :

And whereas it is considered, that the cultivation and manufacture of tea in India will be of great national importance and benefit, as well to the United Kingdom as to the British territories in India, and the same may be advantageously prosecuted on a scale beyond the resources and enterprise of individual capitalists, and a society or company hath been lately formed for the purpose of prosecuting and extending the said culture and manufacture, with a capital of 50,00,000 Company's rupees, in 10,000 shares of 500 Company's rupees each, and certain grants of land have been already made to the said company in Assam, and the north-east parts of India aforesaid, and establishments have been formed by the said company for the purposes of the said culture and manufacture, and are now in operation :

And whereas the whole 10,000 shares have been subscribed for and appropriated, and the proprietors have actually paid up 20,00,000 Company's rupees of the said capital of 50,00,000 Company's rupees; and the several subscribers are willing, at their own expense, to carry on the said culture and manufacture, and it would tend much to the convenience and advantage as well of the said subscribers as of the public, that they should be incorporated in the manner hereinafter mentioned and provided :

And

And whereas it is considered, that there are in Assam other articles and products of indigenous growth, or to which the soil and climate are also adapted, the culture and preparation of which may be carried on with great advantage and profit by the said company as incidental to, or in connexion with, their tea cultivation and establishment; and whereas it is desirable that provision should be made for enabling the said company, if they shall think fit, to avail themselves thereof, and for enabling them to increase their capital stock:

And whereas several of the persons hereinafter named had been appointed and acted as a provisional committee for the purpose of forming and establishing the said company, and commencing the business thereof, and the said company has since been constituted under the provisions of a deed of association, bearing date the 31st day of January 1840, and made between the several persons whose names are thereunder subscribed, and whose seals are thereunto affixed (except the several persons parties thereto of the second and third parts) of the first part, Sir William Baynes, baronet, Richard Twining, Thomas Weeding, John Alliston, Andrew Henderson, Francis Fox and William Cracroft, therein respectively described of the second part; and Sir George Gerard de Hochpiet Larpent, baronet; John Small, Alexander Rogers, Foster Reynolds, John Travers, William Manning, William R. Robinson and Ross Donnelly Mangles, therein also respectively described, of the third part; and under which deed the business of the said company has been commenced and carried on; and whereas in such deed provision was made for confirming the several acts, deeds, matters and things executed and performed by the provisional committee in that capacity:

And whereas it is expedient that like provision should be made herein, and also provision for vesting, continuing and establishing in, for and against the corporate body hereby created after (and notwithstanding their incorporation) all such property, rights, contracts and liabilities whatever as the said existing society or company are, or but for such incorporation would be possessed of, entitled or liable to:

I. It is therefore hereby enacted, that James Pattel, Charles Hay Cameron, Dwarkanauth Tagore, William Prinsep, Alexander Rogers, Henry Barclay Henderson, James Prinsep, Edward Harding, James Colquhoun, James Church, Henry Chapman, John Lowis, John Farley Leith, Thomas Charles Morton, Mutty Lall Seal, William Richard Young, James Young, Archibald Sconce, Richard Walker, Henry Meredith Parker, Edward Cockburn Ravenshaw, Charles Raikes, John Storm, George Shearwood, James Charles Colebrooke Sutherland, Samuel Smith, John Deans Campbell, John Carrington Palmer, William Soltan Pillans, Prosunno Coomar Tagore, Ramanath Tagore, Cuthbert Bensley Thornhill, Thomas Scott, Thomas Sewell, Francis Dashwood, Charles Dundas Mitchell, Alexander Garroch Mackenzie, Henry Augustus Woollaston, Francis P. Mendes, William Henry Jones, Peter Innes, Robert John Lattey, Jenkins Llewelyn, John Jenkins, Arthur Pittar Lattey, Andrew Henderson, John Grant, Alexander Garden, William Cobb Hurry, Henry Holroyd, Robert Becher, Daniel Elliott, Edward Garstin, John Becher, James Cullen, Thomas Hyde Gardiner, Donald McLeod Gordon, William Henry Harton, Thomas Henry Hockley, J. M. Hill, Thomas Bracken, John Carr, Theodore Dickens, Charles Deverinne, William Pringle Downing, John Calder, Henry Burkin-young, Charles John Burkinyoung, Roderick Mackenzie, John Williamson Macleod, John Muller, E. Elphinstone, J. D. Mullins, Richard Bird, Alfred Parker, C. J. Pittar, Henry Piddington, George Rogers, William Rushton, James Sydney Stopford, Robert Scott Thomson, C. A. Vertannes, William Greenway, R. S. Homfray, Francis Augustin, Richard J. Chambers, Aga Mahomed Ibrahim, Bissonauth Muttyloll, Brijonauth Dhur, Doorgachurn Dhur, Additchund Dutt, Goorooopersaud Bose, Gourmohun Gossain, Hadjee Mirza Mehdi Ispahanee, Luckinarain Dutt, Megnarain Roy, Muddenmohun Chatterjee, Nubkissen Sing, Nilcomol Ghose, Prawnkissen Law, Prawnkissen Bagchee, Rajah Radacant Deb, Radamadub Dutt, Ramchand Dhur, Rajchunder Mookerjee, Rajbullub Seal, Radacant Mitter, Shaik Allum Ullah, Sreecant Bannerjee, Seetanauth Bose, Woomachurn Bhose, and all other persons and corporations who have subscribed to, or shall hereafter subscribe towards the said undertaking, and their several and respective successors, executors, administrators and assigns, shall be and they are hereby united into a Company for the pur-

ACTS of 1845.

poses herein declared, and shall constitute and be one body corporate, by the name and style of the "Assam Company," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued.

II. And it is hereby enacted, that it shall be lawful for the said Company to carry on, prosecute and extend the cultivation of the tea plant in the lands which have already been granted to the said Company in Assam and the north-east parts of India aforesaid, and to manufacture and dispose of the tea the growth thereof, and generally to carry on the business of cultivating the tea plant, and manufacturing or preparing the same for sale and exportation, and for such purposes to take and hold or make any such grants, leases or purchases, or other acquisitions of land in perpetuity or for any term of years, as the Governor-general in Council shall approve, such approval to be signified in writing under the hand of one of the Secretaries to the Government of India, and, if requisite, to sell, dispose of and alienate the same respectively, and to form, erect and make all such establishments, buildings, works and conveniences as the said Company shall think proper, and generally to use all such other ways and means as to the said Company shall seem meet for carrying into effect the objects aforesaid; and also (if they shall deem it advisable) to engage in or prosecute the cultivation, manufacture or preparation of all and any such other products and articles as may be found expedient for, or incidental or assistant to the production of tea: Provided always, that the said Company shall not engage in or prosecute the cultivation, manufacture or preparation of opium, coffee or sugar.

III. And it is hereby enacted, that the capital of the said Company shall consist of 50,00,000 Company's rupees, to be contributed in 10,000 shares of 500 Company's rupees each, which shall be the original capital of the said Company, and of such further sum as may be raised by the creation and sale of new shares as hereinafter provided for: Provided always, that it shall and may be lawful for the said Company at any time, and from time to time, to increase the capital of the said Company to any amount not exceeding one crore of Company's rupees altogether, by the issue of fresh shares of 500 Company's rupees each, upon such terms as to them shall seem fit.

IV. Provided always, and it is hereby enacted, that it shall not be lawful for the said Company to raise money by way of loan to a greater amount than one-fifth of the capital of the said Company.

V. And it is hereby enacted, that all and every the grants of land already made, obtained or contracted for by the said Society or Company in the names of any directors or director thereof, or of any person or persons, and the plantations and works made and erected thereon, and the produce thereof, and all offices, warehouses and buildings, and all articles whatsoever upon or appertaining thereto or used therewith, and all property, real and personal, goods, articles and things whatsoever, purchased, taken, bought, grown, produced or otherwise acquired for the purposes of the said Company, and all the estate, right, title and interest whatsoever therein both at law and in equity, to all intents and purposes, shall henceforth vest in and belong to the said "Assam Company" and their successors, in their corporate capacity, and that no individual subscriber or shareholder thereof shall, as such, have or pretend to any estate, ownership or right of property therein.

VI. And it is hereby enacted, that the said Company shall have full power to make and constitute any bye-laws, rules and regulations not repugnant to law or to this Act, for and relating to the government and affairs of the Company, and for the government and guidance of the directors and officers, and from time to time to rescind, alter and vary the same, and that the provisions of the said deed of association shall, until duly altered or abrogated, constitute and be deemed the first bye-laws, rules and regulations of the said Company, and shall have and take effect as such, so far and in such particulars as the same are not repugnant to law or to this Act.

VII. Provided always, and it is further enacted, that nothing herein contained shall be construed to render illegal or invalid any general or other meeting of the said Company, or of the managing body thereof, or any election, resolution

or

or other proceeding whatsoever held, made or passed thereat, by reason of the same being held in pursuance of the said bye-laws, rules and regulations so contained in the said deed of association.

ACTS of 1845.

VIII. And it is hereby enacted, that a general meeting of the said Company shall be held at the principal office or place of business of the said Company at Calcutta, twice at the least in every year, and oftener when and if need shall be, the time of holding which periodical meetings, and the form and mode of requisition for holding special or extraordinary meetings, and of advertising and giving notice thereof respectively, shall be settled and determined by bye-law or rule of the said Company; and that at all such general meetings, whether periodical or special, every proprietor holding five shares and less than 20 shares, shall be entitled to one vote; 20 and less than 50 shares, to two votes; 50 and less than 100 shares, to three votes; 100 shares and upwards, to four votes, but that no proprietor shall be entitled to vote who shall not hold at least five shares; provided, however, that except as to the present proprietors of the said Company, and the shares now held by them, only the shares in respect of which any proprietor shall claim to vote shall have been held for such period of time as is or shall be required by bye-law of the said Company: Provided always, and it is hereby enacted, that votes given by proxy according to any bye-law, rule or regulation of the said Company shall be deemed to be as valid and effectual as if given in person.

IX. And it is hereby enacted, that at such periodical meetings as aforesaid, the books and accounts of the said Company shall be produced and exhibited for the inspection, examination and approval of the subscribers or shareholders at large; and that at each of such periodical meetings there shall be produced and presented by the directors, or other officers of the said Company for the time being, a true account in abstract and balance-sheet showing the whole of the receipts and disbursements and operations of the said Company, commencing from the date of their next preceding periodical meeting and account brought down to the date of holding such periodical meeting at which the same shall be produced, or as near thereto as conveniently may be; and that such abstract account and balance sheet when examined, approved or passed by such or any subsequent meeting, shall immediately be published in the Government Gazette of Calcutta, and in two public newspapers of general circulation at Calcutta aforesaid.

X. And it is hereby enacted, that all payments already made on account of the shares subscribed for in the said Company, shall be deemed valid and effectual payments, and are hereby acknowledged and confirmed.

XI. And it is hereby enacted, that a certificate signed by three directors of the said Company shall be delivered to every proprietor or shareholder of the said Company, and that any share of the said Company shall be transferable by indorsement made on the certificate representing such share or shares respectively by the holder thereof, provided that such indorsement shall specify the name of the party to whom such transfer is made: Provided always, that no such indorsement shall be effectual to transfer any share or shares until the transfer shall have been registered in a registry to be kept for that purpose at the principal office in Calcutta of the said Company, and until a note of such registration and of the date thereof shall have been made on the back of the indorsed certificate, under the hand of the secretary of the said Company for the time being, or of such other officer as shall be appointed by the said Company for that purpose.

XII. And it is hereby enacted, that the shares of and in the said Company shall, as between the several proprietors thereof, and their real and personal representatives, and all other persons claiming under them, be deemed to be personal estate to all intents and purposes whatsoever, and be transmitted and transmissible and disposed of accordingly.

XIII. And it is hereby enacted, that for the purpose of satisfying any demands upon the said Company, or for the purpose of raising any further capital that shall become requisite for the purposes aforesaid, the several subscribers or shareholders shall pay up the whole or any part of the unpaid amount of their

ACTS of 1845.

respective shares by instalments, to be called for by such persons in such manner, and to be paid at such times and places and manner as shall be appointed for that purpose by any bye-law or regulation of the said Company.

XIV. And it is hereby enacted, that it shall be lawful for the said Company by bye-law or rule to provide, that if any such instalment be not paid on or before the day fixed for the payment thereof, interest after any legal rate to be appointed by such bye-law or rule shall be paid upon such instalment from such day up to the day when the same shall be actually paid, and the amount of any such call with interest shall be a debt due to the said Company; and it shall be lawful for the said Company in like manner to make any provision or provisions for the forfeiture of any share or shares on the non-payment of any such instalment and interest, or the restoration of any forfeited share or shares; provided, that no such forfeiture shall be incurred until after default shall have been made for at least three calendar months.

XV. And it is hereby enacted, that the said Company shall have the benefit of and shall be bound by all the contracts, acts, deeds, matters and things which up to the passing of this Act have been done, executed and performed by the provisional committee, or the partnership association constituted under the said deed of the 31st January 1840, and hitherto known as the Assam Company, for the purpose of forming and establishing the said Company, or by or with their or any of their order, direction or sanction in regard thereto, or to the business, or the funds, or property thereof, or in anywise relating thereto; and the said Company shall and may in manner herein mentioned and provided in that behalf, sue and be sued thereon, and in respect thereof, and shall have and be subject to the like rights and liabilities in respect thereof, as the said partnership association or the members thereof would have been.

XVI. And it is hereby enacted, that a copy of the original deed of association of the said Company, and copies of all rules, orders, bye-laws, regulations or proceedings of the said Company, or other instruments whatsoever, whereby any change shall at any time be made by the authority of the said Company in the provisions of the said original deed of settlement, shall be kept at the office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said office, and a copy of such original deed of settlement, and a copy of each such rule, order, bye-law, regulation, proceeding or instrument as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such rule, order, bye-law, regulation, proceeding or instrument hereafter to be made, in the office of the Prothonotary of the Supreme Court of Judicature at Fort William aforesaid, and shall be there filed, and be and remain open to the inspection of all persons during the usual hours of such office, and an examined copy of each such filed copy as aforesaid, certified by and under the hand of the Prothonotary for the time being of the said Supreme Court, shall be good and sufficient evidence of each such original deed, rule, order, bye-law, regulation, proceeding or instrument in all actions, suits and proceedings whatsoever, whether civil or criminal, to be had in any court of justice, or before any magistrate or other officer, whether acting judicially, or in any proceeding preliminary to a judicial inquiry, throughout the territories for which the Governor-general in Council has power to legislate.

XVII. And it is hereby enacted, that the said Company shall cause the name of each and every director of the said Company, and also the name and proper official description of each and every officer of the said Company, and of every person acting and officiating for the time being as such officer, to be entered in a book, to be kept at the said principal office in Calcutta of the said Company, to be there open to the inspection of all persons during the usual hours of business of the said office, and shall also within six months from the time of passing this Act, cause a memorial of the said names and descriptions respectively to be enrolled in the said office of the Prothonotary of the said Court, and a fresh memorial thereof to be from time to time enrolled, as often as any change or changes shall be made or take place either in the direction aforesaid, or in any of the said offices.

XVIII. And

XVIII. And it is hereby further enacted, that the said Company shall cause the names, places of residence and descriptions of the business, profession or employment of the proprietors of shares in the said capital stock, and the number of shares held by each proprietor, to be registered in a book, and numbered in a regular consecutive series, beginning with No. 1 ; and such book shall be kept at the said office in Calcutta of the said Company, and shall there be open to the inspection of all persons during the usual hours of business, and each successive transfer or change of ownership in any share or shares shall be entered in the manner above-mentioned, with the like particulars above-mentioned, in the said book ; and against the original entry of such share or shares shall be entered a note of every such change of ownership or transfer, with a sufficient reference to the place or places in such book wherein is or are made the entry or entries of the name or names, place or places of residence, and descriptions of the proprietor or proprietors to whom or in whose favour such transfer or change, transfers or changes shall have been made or had from time to time as aforesaid.

XIX. And it is hereby enacted, that the said Company shall sue and be sued, and described in and by its said corporate name, and not otherwise, in all proceedings whatsoever, whether civil or of a penal or criminal character, and whether the same be the proceedings of any Court, or of any magistrate or other officer executing any inquiry either preliminary to or in the nature of a judicial investigation or inquiry, and shall for all purposes of jurisdiction be capable of suing and proceeding, and be liable to be sued and proceeded against in its said corporate name, character and capacity in and before any such Court, magistrate or officer within any of the territories for which the Governor-general in Council has power to legislate in respect of all matters and things over which such Court, magistrate or officer respectively may have jurisdiction, and to the extent of such jurisdiction, in like manner as the same may for the time being be there had by or against any British subject or subjects within the said territories: Provided always, that no process or proceedings whatsoever, whether of a mesne or judicial nature, shall be had against the person or property of any individual members, shareholders or subscribers of the said Company, either for the purpose of giving notice of any suit or proceeding, or of effecting any appearance to any suit or proceeding, or of obtaining payment or satisfaction of any debt, claim or demand against the said Company, or of levying any fine or penalty awarded against the said Company, or of obtaining payment or satisfaction of any judgment, decree, award, order or determination against the said Company, or for any the like purpose, but that all such process and proceedings of what nature soever shall be had solely against the corporate stock, property and effects of the said Company.

XX. And it is hereby enacted, that all services of mesne process, and all notices whatsoever, which by law, or by the practice of any court wherein the said Company shall sue or be sued, are required to be served or given for the purpose of compelling or causing an appearance to be entered in any suit, or for enabling a proceeding to be had *ex parte* in the absence of a party to a suit, or previously to the institution of any suit or proceedings, or for any other purpose whatsoever connected with or having reference to the continuation, conduct or prosecution of any suit, or the revival of the same, or which shall at any time be directed to be given by any such Court to the said Company, in reference to any proceedings therein pending, shall and may be made and given in addition to all ways and means by which the same may otherwise be legally made or given, upon or to the Secretary for the time being of the said Company resident in Calcutta, or the person or persons acting and officiating as such, or by leaving the same, addressed to the said secretary or person acting and officiating as such, at the said principal office in Calcutta of the said Company.

XXI. And it is hereby enacted, that this Act shall continue in force until the 30th day of April 1854.

ACTS of 1845.

ACT No. XX. OF 1845.

Passed by the Governor-General of India in Council on the 6th of
September 1845.

AN ACT providing Articles of War for the Government of the Native Officers
and Soldiers in the Military Service of the East India Company.

WHEREAS by an Act passed in the third and fourth years of the reign of his Majesty King William the Fourth, intituled, "An Act for effecting an arrangement with the East India Company, and for the better Government of his Majesty's Indian Territories till the 30th day of April 1854," it was amongst other things enacted, that it should be lawful for the Governor-general of India in Council, from time to time, to make Articles of War for the government of the Native officers and soldiers in the military service of the Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers, and such Articles of War from time to time to repeal or vary and amend, and that such Articles of War should be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor-general under the said Act, and should prevail and be in force, and should be of exclusive authority over all the Native officers and soldiers in the said military service, to whatever Presidency such officers and soldiers might belong or where-soever they might be serving: Provided nevertheless, that until such Articles of War should be made by the said Governor-general in Council, any Articles of War for or relating to the Government of the Company's Native forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the territories under the Government of the said Company, should remain in force:

It is hereby enacted, in pursuance of the above recited authority, that the following Articles of War shall, from and after the 7th day of October 1845, be the Articles of War for the government of the said Native officers and soldiers in the military service of the said Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers.

ARTICLES OF WAR.

SECTION I.—Of Enlisting and Discharges.

Article 1.—Every recruit, prior to being enrolled in his regiment, shall have the first four Articles of the second section of these Articles of War read and explained to him, after which such declaration as is now used, if any, in the respective Presidencies, shall be made to him by the officer commanding in front of the regiment or corps, in presence of the Native officers and soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* Article 2.—No commissioned officer shall be dismissed except by the sentence of a General Court Martial; no non-commissioned officer or soldier shall be discharged as a punishment except by the sentence of a Court Martial, or by order of the Commander-in-chief at the Presidency to which he may belong; every such dismissal or discharge shall include forfeiture of all claim to pension: Provided that no sentence of discharge awarded by a Court Martial inferior to General shall be carried into effect without the concurrence of the Commander-in-chief, or the General or other officer commanding the division, field force, district or brigade in which the prisoner may be serving: Provided also, that the Governor-general in Council in his executive capacity, and the Governor in Council of any Presidency to which a commissioned or non-commissioned officer or soldier may belong, shall have power to order his dismissal or discharge.

Article 3.—All non-commissioned officers and soldiers discharged the service shall be furnished by the commanding officer of the regiment with a discharge certificate, made out in the vernacular language of the individual discharged,
with

with an English translation, expressing the authority for, and cause of such discharge, and the period of his entire service in the army. ACTS of 1845.

* Article 4.—No non-commissioned officer or soldier shall enlist himself in any other regiment without a regular discharge from his former regiment, under the penalty of being reputed a deserter, and suffering accordingly.

SECTION II.—*Crimes and Punishment.*

Crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment or Dismissal.

Article 5.—Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition in the regiment or corps to which he belongs, or in any other corps or regiment whatsoever, on any pretence whatever, or who, being present at any mutiny or sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any mutiny, intended mutiny, or concealed combination against the State, shall not without delay give information thereof to his commanding officer;—or

Article 6.—Who shall strike his superior officer, or shall draw or offer to draw or lift up any weapon, or use or offer any violence against him, whether on or off duty, and under all circumstances in which his superior officer may be distinguishable as such in any manner;—or

Article 7.—Who shall disobey any lawful command of his superior officer;—or

Article 8.—Who shall desert from the East India Company's service (whether or not he shall re-enter or re-enlist in the same);—or

Article 9.—Who being a sentry, in time of war or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave;—or

Article 10.—Who shall shamefully abandon or deliver up any garrison, fortress, post or guard committed to his charge, or which it was his duty to defend; or who shall use means to induce any other officer or soldier so to abandon or deliver up any such garrison, fortress, post or guard;—or

Article 11.—Who shall treacherously make known the watchword to any person not entitled to receive it, according to the rules and discipline of war;—or

Article 12.—Who shall hold correspondence with or give intelligence to the enemy or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the commanding officer;—or

Article 13.—Who shall directly or indirectly assist or relieve the enemy, or persons in arms against the State, with money, victuals or ammunition; or shall knowingly harbour or protect any enemy or person in arms against the State;—or

Article 14.—Who shall treacherously release, wilfully aid, or connive at the escape of any enemy or person in arms against the State, placed as a prisoner under his charge;—or

Article 15.—Who shall misbehave himself before the enemy or persons in arms against whom he is led, or use means to induce others so to misbehave;—or

Article 16.—Who shall in presence of an enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition;—or

Article 17.—Who shall leave his commanding officer, or his post, or colours, or party, in time of action, to go in search of plunder;—or

Article 18.—Who in time of war shall do violence to any person bringing provisions or other necessaries to the camp or quarters of the forces; or shall force a safeguard; or break into any house or other place for plunder; or plunder fields or gardens or other property;—or

ACTS of 1845.

Article 19.—Who in time of war shall by discharging fire-arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in action, camp, garrison or quarters;—or

Article 20.—Who shall, without proper authority, release any state prisoner, or through carelessness or neglect shall suffer any such prisoner to escape;—or

Article 21.—Who, being a sentry placed over any state prisoner, or over treasure, or over a magazine or dock-yard, shall quit his post without being regularly relieved or without leave, or shall sleep upon his post;—

Shall, if an officer, on conviction, suffer death, or transportation for life, or be dismissed the service;

And, if a soldier, shall, on conviction, suffer death, or transportation for life; or imprisonment with or without hard labour, for life or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding 28 days at a time, nor 84 days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer corporal punishment; or dismissal from the service; as by a General Court Martial shall be awarded.

Crimes not punishable with Death or Transportation.

Article 22.—Any officer or soldier who shall in operations in the field spread reports by words or letters, calculated to create unnecessary alarm in the troops, or in the vicinity, or in rear of the army;—or

Article 23.—Who shall, in action or previously to going into action, use words tending to create alarm or despondency;—or

Article 24.—Who shall be drunk when on or for duty or on parade or on the line of march;—or

Article 25.—Any soldier who shall be grossly insubordinate or insolent in the ranks; or grossly insubordinate and violent in the presence of a Court Martial;

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances;

And, if a soldier, shall on conviction before a General or District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation, or imprisonment with hard labour.

Article 26.—Any officer who shall behave in a manner unbecoming the character of an officer; (the fact or facts whereon the charge is grounded being clearly specified therein);—or

Article 27.—Any officer or soldier who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority;—or

Article 28.—Who shall advise or persuade any other officer or soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any deserter, and shall not immediately on discovery give notice to his superior officer; or shall not cause such deserter to be apprehended by the civil power;—or

Article 29.—Who shall obtain or attempt to obtain for himself, or for any officer or soldier, or for any other person whatsoever, any pension or allowance, by any false statement, certificate or document, or by the omission of the true statement, or certificate, or document;—or

Article 30.—Who shall knowingly make a false return or report to any his superior officer authorized to call for a return or report, of the state of the men under his command, or of arms, ammunition, clothing or other stores thereunto belonging, or of which he may have charge;—or

Article

Article 31.—Who shall malingering, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity;—or

Article 32.—Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description as fees or duties, or on any pretence whatever; or shall, without authority, exact from villagers or others, carriage, portage or provisions;—or

Article 33.—Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;—or

Article 34.—Who shall, without orders, commit any waste or spoil, or plunder, or shall injure or destroy any property;—or

Article 35.—Any soldier who shall, contrary to orders, when off duty, appear in or about camp or cantonments, or on occasion of visiting towns or bazars, carrying a sword, bludgeon or other weapon;—or

Article 36.—Who shall sell, pawn, or designedly or through neglect lose or injure his horse, arms, clothes, accoutrements, or regimental necessities; or any of the above articles entrusted or belonging to any other soldier;—

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances;

And, if a soldier, shall, on conviction before a General, District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award:

Provided that such offender shall not be sentenced to death, or transportation, or corporal punishment.

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

Article 37.—Any officer or soldier who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any military purpose; or any provisions, forage, arms, clothing, ammunition or military stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;—

Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of pay and allowances, and be further liable to suffer imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement, to be regulated as aforesaid.

Article 38.—Any soldier who shall be guilty of disgraceful conduct;

In wilfully maiming or injuring himself, or any other soldier at the instance of such soldier, with intent to render himself or such soldier unfit for the service, or with intent to take his own life;—or

Article 39.—In purloining or selling Government stores;—or

Article 40.—In stealing money or goods, the property of a soldier or of a military officer, or of any military mess, or of any person or persons belonging to or serving with or attached to the army;—or

Article 41.—In embezzling or fraudulently misapplying public money entrusted to him for any military purpose;—or

Article 42.—In committing any petty offence of a fraudulent nature, to the injury of or with intent to injure any person, civil or military;—or

Article 43.—Who shall be guilty of any other disgraceful conduct, being of a cruel, indecent, or unnatural kind;

ACTS of 1845.

Shall, on conviction before a General or District or Garrison Court Martial, be liable to suffer such punishments as any such courts are by these Articles of War respectively empowered to award for disgraceful conduct.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly pay and allowances, until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of pay and allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes not punishable with Corporal Punishment or Imprisonment with Labour.

Article 44.—Any officer or non-commissioned officer who shall strike or otherwise ill-treat any soldier;—or

Article 45.—Any sentry who in time of peace shall sleep upon his post, or shall leave it before regularly relieved or without leave;—or

Article 46.—Any officer or soldier who shall knowingly enlist a deserter, or connive at his enlistment;—or

Article 47.—Who directly or indirectly shall require or accept a bribe, present, or gratification, on the pretence of or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any officer or soldier;—or

Article 48.—Who, being in command at any post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot, shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior officer;—or

Article 49.—Who, being in command of a guard, shall refuse to receive any prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape;—or

Article 50.—Who shall quit his guard or picquet in time of peace without being regularly relieved, or without leave;—or

Article 51.—Who shall impede the Provost Marshal or his assistants, or any other officer or person legally exercising authority; or refuse to assist him when requiring his aid in the execution of his duty;—or

Article 52.—Who, being on leave of absence, shall have received information from the head quarters of his regiment, or from other competent authority, that his regiment has been ordered on service, and shall not rejoin without delay;—or

Article 53.—Who in time of peace shall, by discharging fire-arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in camp, garrison or cantonments;—or

Article 54.—Who shall fail to repair at the time fixed to the parade, or place appointed for exercise or duty, if not prevented by sickness or some other sufficient cause;—or

Article 55.—Who shall, without urgent necessity, or without leave of his superior officer, quit his company or troop or the parade;—or

Article 56.—Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him;—or

Article 57.—Any soldier who shall be found two miles from the camp, contrary to orders;—or

Article

Article 58.—Who shall, contrary to orders, be absent from his cantonment after tattoo, or from camp after retreat beating ;—or

Article 59.—Who shall sell, lose, or designedly or through neglect waste the ammunition delivered out to him ;

Shall, if an officer, on conviction, be sentenced to suspension from rank and pay and allowances ; or to be reprimanded in such manner as the Commander-in-chief may direct ;

And, if a soldier, shall, on conviction before a General or District or Garrison or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award :

Provided that such offender shall not be liable to be sentenced to suffer corporal punishment or imprisonment with hard labour.

Article 60.—All crimes not capital, and all disorders or neglects which officers or soldiers may be guilty of to the prejudice of good order and military discipline, though not specified in these articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the sentence of a General or District or Garrison or Regimental Court Martial ; provided that a soldier shall not for any such offences be liable to be sentenced to suffer corporal punishment or imprisonment with hard labour.

Crimes incident to Courts Martial.

Article 61.—Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question ; or who shall induce any other person so to offend ;

Shall be punished according to the sentence of the same or another Court Martial, with dismissal or suspension from rank and pay and allowances, if a commissioned officer ; with dismissal or reduction to the ranks if a non-commissioned officer ; or with dismissal or imprisonment if a soldier :

Provided that such person, being a commissioned officer, shall not be liable to be punished by any but a General Court Martial ; and that no offender punished under the provision of this Article of War shall be sentenced to suffer imprisonment with hard labour, or corporal punishment.

Article 62.—Any person not amenable to these Articles of War, who, having been summoned upon any Court Martial, shall refuse or neglect to attend, or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question, or shall give such testimony as, if given in a criminal court, would render him guilty of perjury ; or who shall induce any other person so to offend ;—

Shall be delivered to a magistrate to be proceeded against according to law.

Article 63.—Any person using menacing or disrespectful words, signs or gestures in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings ;—

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War : Provided that such offender shall not be liable to be sentenced to corporal punishment, or to imprisonment with hard labour ; and if not amenable to these Articles of War, the offender shall be delivered over to a magistrate, to be proceeded against according to law.

Article 64.—Any officer or soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General or other Court Martial, or any Military Court entitled to administer an oath ; or of inducing any other person so to offend ;—

ACTS of 1845.

Shall be dismissed the service, and shall be further subject to fine to the amount of his arrears of pay and allowances, or to imprisonment, which may extend to three years; according to the sentence of a General or District or Garrison Court Martial.

Crimes admitting of less serious notice.

Article 65.—Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General or District or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District or Garrison or Regimental Courts Martial respectively; in such cases the officer commanding the regiment or corps to which the offender belongs, shall lay a particular statement of the case before the General or other officer having authority to convene General or District or Garrison Courts Martial, under whose command such offender may be serving, with an application so to proceed; and such General or other officer will exercise his discretion in complying or not with such application; but the permission of such General or other officer so to proceed shall be entered upon the proceedings at the trial of such offender:

Provided that Mutiny shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated “Disgraceful Conduct” in these Articles of War, and admitting of less serious notice, shall be permitted to be tried by Regimental Courts Martial, the term disgraceful conduct shall be omitted in the charge.

Offences on the Line of March or on board Vessels.

Article 66.—For offences committed on the line of march, or on board any ship or other vessel, the officer in command of the troops is hereby authorized to try any soldier by a Regimental or Detachment Court Martial, and to confirm and execute the sentence, and in all cases of mutiny or gross insubordination to carry the sentence into execution on the spot:—

Provided that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be specially reported for the information of the Commander-in-chief.

SECTION III.—*Administration of Justice.*

Article 67.—Whenever any officer or soldier shall commit a crime deserving punishment by Court Martial, he shall, by his commanding officer, be put under arrest, if an officer; or if a soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no officer or soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable; but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

Article 68.—No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed more than three years previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Article 69.—Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place

place within the British territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ACTS of 1845.

Article 70.—The Commander-in-chief at the Presidencies of Fort William, Fort St. George and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, mitigate or remit the sentences of such Courts; and may issue his warrant to any general or other officer having the command of a body of troops in the service of Her Majesty or of the East India Company, empowering such officer to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of offences committed by any of the officers or soldiers or followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, mitigate or remit the sentences of such Courts Martial.

Article 71.—A General Court Martial shall not consist of less than 13 commissioned officers, unless it be held out of the East India Company's territories, where such Court Martial may consist of seven commissioned officers, if a greater number cannot be conveniently assembled; and no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

*Article 72.—A General Court Martial may sentence any officer or soldier to death or transportation, for any crimes which are by these Articles of War expressly made liable to sentence of death or transportation, and for such crimes only.

And when a commissioned officer shall be convicted of any offence of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such officer to be dismissed the service; or to be suspended from rank and pay and allowances for a stated period; or to be placed lower on the list of his rank, by an alteration of the date of his commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of suspension or reduction which they shall so adjudge; or the Court may sentence such officer to be reprimanded in such manner as the Commander-in-chief may direct.

And a General Court Martial may sentence any non-commissioned officer to be reduced to the ranks; or may sentence any non-commissioned officer or soldier to be dismissed the service; or to be placed lower in the list of the rank which he holds; or may sentence any soldier to suffer corporal punishment not exceeding 200 lashes; or imprisonment with or without hard labour not exceeding two years; and to be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding 28 days at a time, nor 84 days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement.

And a General Court Martial may, in addition either to corporal punishment or to imprisonment as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay, and to pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And a General Court Martial may, in addition to the punishment of dismissal, sentence any officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving dismissal from the service, may sentence any officer or soldier to be put under stoppages not exceeding two-thirds

ACTS of 1845.

of his pay and allowances in the case of an officer, and not exceeding half of his pay and allowances in the case of a non-commissioned officer or soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander-in-chief.

Article 73.—In cases wherein a sentence of death shall have been awarded by General Court Martial, for any offence against discipline for which sentence of death is awardable under these Articles of War, the Commander-in-chief may confirm such sentence and cause it to be carried into effect, or may, instead of causing such sentence to be carried into effect, order the offender, if an officer, to be transported for life, or to be dismissed, and if a soldier, to be transported for life, or to be imprisoned with or without hard labour either for life, or for a certain term of years, and with or without solitary confinement, to be regulated as aforesaid, as to the Commander-in-chief may seem meet.

In cases of commissioned officers sentenced to transportation, the Commander-in-chief may, in lieu thereof, order the offender to be dismissed; and in cases of commissioned officers sentenced to be dismissed from the service, the Commander-in-chief may, in lieu of such punishment, direct that the offender be suspended from rank and pay and allowances for a certain period, to be distinctly specified by the Commander-in-chief.

And the Commander-in-chief may commute a sentence of transportation passed on a soldier to imprisonment with or without hard labour, and with or without solitary confinement, to be regulated as aforesaid; and such imprisonment may be either for the same period for which transportation shall have been awarded, or for any lesser period.

And the Commander-in-chief may commute a sentence of corporal punishment to dismissal from the service; or, in the case of a non-commissioned officer, may mitigate such sentence to reduction to the ranks; or, in the case of a non-commissioned officer or soldier, may commute such sentence to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period not exceeding two years, if the sentence shall exceed 150 lashes; not exceeding one year, if it shall exceed 100 lashes; and not exceeding six months, if it shall be less than 100 lashes; but the term of such commuted imprisonment may be for any lesser periods respectively, at the discretion of the Commander-in-chief.

In cases of non-commissioned officers sentenced to be dismissed from the service, the Commander-in-chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds.

And in cases of offenders sentenced to imprisonment with hard labour, the Commander-in-chief may mitigate such sentence by causing the offender to be reduced to the ranks, in the case of a non-commissioned officer; or, in the case of a non-commissioned officer or soldier, by directing that he be dismissed from the service, or suffer imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period not exceeding that for which he shall have been sentenced to such imprisonment with hard labour.

Article 74.—A District or Garrison Court Martial shall consist of not less than seven commissioned officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than five commissioned officers; and such District or Garrison Court Martial may be composed of officers of the same regiment, and shall be assembled in conformity with the orders of the Commander-in-chief.

And the sentence of a District or Garrison Court Martial shall be confirmed by the Commander-in-chief, or by some officer duly authorized to confirm the same.

Commutation

Commutation of Sentence.

ACTS of 1845.

And the Commander-in-chief is empowered to remit or mitigate or commute the sentences of such Courts Martial in the same manner as the sentences of General Courts Martial; and to delegate or withhold the power to commanding officers of convening such Courts Martial, and of confirming, remitting, mitigating or commuting the sentences of such Courts (not including forfeiture of pay, or pension, or other advantage), as the Commander-in-chief may deem to be most expedient.

And in case of any sentence including forfeiture of additional pay, or of pension on discharge, or of any prospective advantage, such sentence shall not be carried into effect until confirmed by the Commander-in-chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

*Article 75.—A District or Garrison Court Martial may sentence any non-commissioned officer to be reduced to the ranks, or may sentence any non-commissioned officer or soldier to be dismissed from the service, or to be placed lower in the list of the rank which he holds; or may sentence any soldier to suffer corporal punishment not exceeding 150 lashes; or imprisonment with or without hard labour not exceeding one year, and to be kept in solitary confinement to be regulated as aforesaid.

And such Court Martial may, in addition either to corporal punishment or to imprisonment as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay, and to pension on discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And such Court Martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and, in addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

Article 76.—A Regimental Court Martial shall consist of not less than five commissioned officers (unless it be found impracticable to assemble that number, when three may be sufficient), and shall be assembled by order of the officer commanding the regiment; and no sentence of a Regimental Court Martial shall be of force until the commanding officer shall have confirmed the same; provided that such commanding officer shall have power to remit all sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such commanding officer shall have power to mitigate all sentences whatever passed by such Court; and to commute a sentence of corporal punishment to imprisonment without hard labour, and with or without solitary confinement, to be regulated as aforesaid, for any period for which such Court is competent to sentence an offender to suffer imprisonment, and in the same manner; and to mitigate a sentence of dismissal, in the case of a non-commissioned officer, to reduction to the ranks; and to commute a sentence of imprisonment with hard labour, or with solitary confinement, or both, to dismissal; or to mitigate such sentence to reduction to the ranks; or to imprisonment without hard labour.

But no sentence of corporal punishment, or of imprisonment with hard labour, passed by a Regimental Court Martial, and confirmed in full by such command-

ACTS of 1845.

ing officer, or confirmed and mitigated by him; and no sentence of dismissal confirmed, and no commutation of dismissal for imprisonment made as aforesaid, by such commanding officer, shall be carried into effect, without the sanction and authority of the officer commanding the division or field force or district or brigade (being the senior officer on the spot) in which the regiment may be serving, who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof in full or in mitigated degree by the officer commanding the regiment, or such dismissal to be carried into effect, or to direct the release of the offender and his return to duty, as he may deem expedient:

Provided, that in detached situations, or when on service in the field, the officer commanding the regiment shall have power to carry into effect any sentence of a Regimental Court Martial, in cases where an immediate example is necessary, and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

* Article 77.—A Regimental Court Martial may sentence any non-commissioned officer to be reduced to the ranks; or may sentence any non-commissioned officer or soldier to be dismissed from the service; or to be placed lower in the list of the rank which he holds; or may sentence any soldier to suffer corporal punishment not exceeding 100 lashes; or imprisonment, with or without hard labour, for any period not exceeding six calendar months; and to be kept in solitary confinement, to be regulated as aforesaid.

Any such Court Martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

Article 78.—An officer commanding any detachment of his own regiment may assemble Regimental Detachment Courts Martial; and an officer commanding a detachment consisting of men of different corps, may assemble Detachment or Line Courts Martial; and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in regiments shall be taken to apply to Courts Martial held in detachments, in all practicable cases:

Provided that no officer on detached command of less than four troops or companies, or of detachments numerically equal to four troops or companies, shall carry into effect any punishment awarded by a Court Martial held by his order, until the sentence shall have been confirmed by the officer commanding the regiment to which the offender belongs, or by the nearest superior officer holding a command of not less than a regiment (who is hereby authorized to confirm the same, in like manner as an officer commanding a regiment is empowered to do, and with the same restrictions), except in cases where an immediate example is necessary, and reference cannot be made to such commanding or superior officer without detriment to the service.

Article 79.—At all Courts Martial it shall be competent to the officer convening the Court to instruct the Court, that should the prisoner be found guilty, and imprisonment form a part of the sentence, no portion of the imprisonment should be solitary; or, should corporal punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly.

Execution of Sentences of Courts Martial.

Article 80.—In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged
by

by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ACTS of 1845.

Article 81.—Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander-in-chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every judge, magistrate, sheriff or other officer in charge of a gaol, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the officer commanding the division, field force, district or brigade within which the trial is held.

Article 82.—Whenever any soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander-in-chief to order such offender to be transported beyond sea for life, unless there should be special reasons inducing the Commander-in-chief to think such prisoner not a proper subject for transportation.

Article 83.—Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison, or in any other fit place which the Commander-in-chief shall from time to time direct.

Article 84.—Every soldier sentenced to imprisonment with hard labour shall, previous to undergoing such punishment, be struck off the strength of his corps from the date of confirmation of such sentence; and no soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

Article 85.—Offenders sentenced to dismissal for disgraceful conduct;

And offenders subject to corporal punishment or to imprisonment with hard labour for disgraceful conduct shall, on any such sentence being confirmed, be dismissed with ignominy.

Article 86.—In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender shall be available, under an order from the Commander-in-chief, for the payment of the amount so adjudged.

And no soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his pay and allowances, nor be liable to be put under stoppages prospectively, while actually under stoppages to the amount of half of his pay and allowances.

Forms of Proceeding.

Article 87.—Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

Article 88.—At General Courts Martial a Judge Advocate, or an European officer of not less than 10 years' service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European officer of not less than four years' standing in the service, except in cases where no officer of that standing may be available, or the Adjutant of the regiment, shall be appointed to conduct the proceedings.

ACTS of 1845.

Article 89.—An interpreter shall be appointed to all Courts Martial, and any interpreter available at the station where the Court Martial may sit shall be appointed, as occasion may require, by the officer commanding at such station, on application from the Judge Advocate or superintending officer at such Court Martial; but in situations where the services of an interpreter are not available, the superintending officer at the Court Martial shall perform the duty of interpreter.

Article 90.—At all Courts Martial the senior officer shall sit as President, without being so appointed by warrant; provided that all Subadar Majors are to take precedence according to the dates of their commissions, and above all Native officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective commissions of Subadar Major, Subadar or Jemadar; Rissaldars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective commissions.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of members of which such Court is directed to consist by these Articles of War.

Article 91.—No finding or sentence of a Court Martial shall be revised more than once, and no evidence shall be received on such revision. For the purpose of such revision the President and all the members shall be convened if possible; but if any of them should be unavoidably absent, the remaining members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

Article 92.—All the members of a Court Martial are to preserve order, and in giving their votes upon all matters, are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of members present, provided the number of members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favour of the prisoner; the President at a Court Martial shall vote with the other members, but shall have no casting vote: Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

Article 93.—No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the members present concur therein, or four where the Court consist of five members, or five where the Court consist of seven.

Affirmations.

Article 94.—On the assembly of a Court Martial, the Judge Advocate or superintending European officer shall administer to the interpreter the following solemn affirmation:

“I, A. B. solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of law.”

In case of the unavoidable absence of an interpreter, the European superintending officer of a Court Martial inferior to General, shall make the solemn affirmation prescribed for the interpreter.

The Judge Advocate or superintending officer shall then cause the following solemn affirmation to be made by each member:

“I, A. B., solemnly affirm, in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour, or

“ or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law.”

The following solemn affirmation shall then be administered by the interpreter to the Judge Advocate or superintending officer:

“ I, A. B., solemnly affirm, in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice, or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these solemn affirmations on the commencement of fresh trials before the same Court.

Article 95.—All persons who give evidence at a Court Martial are to be examined on oath according to the forms of their respective religions, or on affirmation; and persons of the Hindoo or Mahomedan persuasion shall make affirmation to the following effect:

“ I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

And if any person making such affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

Article 96.—In all cases where persons required as witnesses before a Court Martial may not be amenable to military law, the Judge Advocate or commanding officer shall transmit to the magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshal.

Article 97.—For the prompt and instant repression of all irregularities and crimes which may be committed by troops in the field and on the line of march, Provosts Marshal shall be appointed by the Commander-in-chief, and their powers shall be regulated according to the established usages of war and rules of the service; their duties are to take charge of prisoners confined for offences of a general description; to preserve good order and discipline; to prevent breaches of both, by soldiers and followers of the army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing breaches of good order and military discipline; provided that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provosts may from time to time receive from the commander of the forces in the field, and whatever may be the crime, the Provost Marshal or his assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a report shall be made to the commander of the army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good order and military discipline: The duties of Provosts Marshal being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General commanding the forces in the field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best.

ACTS of 1845. calculated to prevent and instantly to repress crimes injurious to the discipline of the East India Company's army and the public service.

Trials by European Courts Martial.

Article 98.—At any Presidency where the Native troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European officers; and should he make such claim, the Court, whether General or District or Regimental, shall be composed of European commissioned officers, and the number of members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor-general of India in Council, by a General Order to authorize the Native troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.—*Effects of the Dead.*

*Article 99.—When any officer or soldier, or any person receiving public pay drawn by any officer in charge of a public department belonging to the army, may die or be killed in the service, the commanding officer of the regiment or party, or officer in charge of the department, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant or officer in charge of the department.

*Article 100.—If there be no heir or executor on the spot, the effects are to be publicly sold; the commanding officer of the regiment or party, or officer in charge of the department, after discharging the debts of the deceased; viz. the expense of funeral ceremonies, his debts in camp or quarters, and regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no executor, heir or other representative of the deceased attending and establishing his claim within 12 months from the date of the casualty, the amount in the hands of the officer having charge of the estate is to be remitted to the General Treasury at the Presidency.

SECTION V.—*Miscellaneous.*

Article 101.—The effects of deserters are to be publicly sold, and the proceeds, after payment of regimental debts, remitted by the officer commanding the corps to which the deserter belongs to the General Treasury at the Presidency.

Article 102.—All powers and provisions contained in these Articles relating to the Commander-in-chief, shall be construed to extend to the Commander-in-chief at any Presidency, and to the officer commanding the forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to soldiers, shall be construed to extend to non-commissioned officers, unless when otherwise provided.

Article 103.—When any portion of the troops belonging to one Presidency shall be serving within the limits of another Presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-chief, or commanding officer of the forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency: Provided always, that it shall be lawful for the Governor-general in Council, in his executive capacity, to direct that the troops,

troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-chief, or commanding officer of the forces of the Presidency to which they belong, for all purposes of these Articles.

ACTS of 1845.

Article 104.—Any officer commanding any portion of the East India Company's troops, which may at any time be serving in any place out of Her Majesty's dominions, or of the possessions or territories which are or may be under the Government of the said Company, or of the territories of those States in alliance with the said Company in which the said Company's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's army, being under the immediate command of any such officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three officers at the least, for the purpose of trying any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon any such offenders, as are granted by these Articles to General Courts Martial: Provided, that no sentence of any such Court Martial shall be executed until the General commanding in chief the army to which the division, brigade, detachment or party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate or remit the same, reporting the proceedings to the said General commanding in chief.

Article 105.—General Courts Martial only shall have the power to try commissioned officers, or to pass sentence of death or transportation on any offenders.

Article 106.—No person being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence: Provided always, that after a soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such soldier before a Court Martial or a Court of Justice, and shall inquire into the general character of such soldier, for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty: Provided that no such evidence shall in any case be received until the Court shall have ascertained that such soldier had, previously to his trial, received notice of the intention to produce such evidence on the same; and it is hereby directed that such notice shall be given to all soldiers previous to trial.

*Article 107.—No non-commissioned officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander-in-chief of the Presidency to which the offender shall belong: Provided, that no non-commissioned officer shall be reduced to the ranks for any limited period, nor suspended from his rank, nor reduced from a higher to a lower grade of non-commissioned officer, nor sentenced to suffer corporal punishment or imprisonment, without being first reduced to the ranks.

*Article 108.—Any officer or soldier thinking himself wronged by his superior or other officer, is to complain thereof to the commanding officer of his troop or Company, by whom, if the grievance be not redressed, such officer, non-commissioned officer or soldier, may complain to the commanding officer of his regiment, who is hereby required to examine into such complaint, or remit it to his superior authority, as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial, in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labour.

ACTS of 1848.

Article 109.—In case of light offences, a commanding officer may, without the intervention of a Court Martial, award extra drill, with or without pack, for a period not exceeding 15 days; restriction to barrack limits not exceeding 15 days; confinement in the quarter-guard, or defaulter's room, not exceeding seven days; removal from staff situations or acting appointments; or may order soldiers to be employed in piling and unpling shot; and in cleaning accoutrements of men in hospital; but none of these descriptions of punishment shall be awardable by sentence of a Court Martial; and a commanding officer may award solitary confinement not exceeding seven days: Provided that soldiers in confinement shall be liable to be ordered to attend ordinary drill.

Article 110.—Any officer or soldier who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in-chief.

SECTION VI.—*Mode of dealing with Offences not Military.*

Article 111.—In all places within the jurisdiction of any civil judicature established by appointment of Her Majesty, or of the said Company, officers and soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such civil judicature, shall be delivered over to a magistrate to be proceeded against according to law.

And all officers and soldiers are hereby required to assist the officers of justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

Article 112.—In any place within the limits of the Charter of the East India Company, whether in or out of the British territories, where there may be no civil judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by civil tribunals, such offences when committed by officers or soldiers shall be cognizable by Courts Martial.

Article 113.—General Courts Martial shall have cognizance, ordinarily, of offences punishable with death;

Transportation for life;

Imprisonment for life;

Imprisonment for a period which may extend to 14 years;

Imprisonment for a period which may extend to 7 years.

Article 114.—District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

Article 115.—Regimental, Detachment or Line Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

GENERAL

GENERAL COURTS MARTIAL.

ACTS of 1845.

Punishment of Death.

Article 116.—Any officer or soldier who shall be convicted by a General Court Martial of the crime of “murder” shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

Article 117.—Any officer or soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person endangering the life of such person; that is to say,

1st.—Breaking or attempting to break by day or night into any dwelling-house, tent, boat or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2d.—Robbery or attempt to rob.

3d.—Stealing or attempting to steal in a house, or from the person:—

Shall be sentenced by such General Court Martial to imprisonment with or without hard labour and transportation for life.

Offences punishable by Imprisonment which may extend to Fourteen Years.

Article 118.—Any officer or soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other corporal injury to any person not endangering the life of such person;—or

Article 119.—Of wounding with intent to murder, whether the person wounded be the person whom the offender intended to murder or another;—or

Article 120.—Of robbery by open violence or dacoity; that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery;—or

Article 121.—Of breaking or attempting to break into any dwelling-house, tent, boat or other place of habitation, between sunset and sunrise, with intent to rob or steal;—or

Article 122.—Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's rupees;—or

Article 123.—Of purchasing or receiving plundered or stolen property knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 118 or Article 119:—

Shall be sentenced by such General Court Martial to imprisonment with or without hard labour for a period not exceeding 14 years.

ACTS of 1845.*Offences punishable by Imprisonment not exceeding Seven Years.*

Article 124.—Any officer or soldier who shall be convicted by a General Court Martial of culpable homicide, not amounting to wilful murder;—or

Article 125.—Of premeditated affray, attended with homicide, or severe wounding, or other aggravating circumstance;—or

Article 126.—Of intentionally wounding, maiming, or otherwise doing corporal injury to any person;—or

Article 127.—Of accidentally wounding, maiming or otherwise doing corporal injury to any person with the intention of doing such injury to another person, —or

Article 128.—Of breaking into any dwelling-house, tent, boat or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein;—or

Article 129.—Of stealing from any habitation, or from any person, any property exceeding 300 Company's rupees in value;—or

Article 130.—Of having purchased any property so stolen exceeding in value 300 Company's rupees, knowing it to have been stolen;—or

Article 131.—Of arson;—or

Article 132.—Of unnatural crime;—or

Article 133.—Of rape;—or

Article 134.—Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of 15 years;—or

Article 135.—Of stealing a child under the age of eight years :—

Shall be sentenced by such General Court Martial to suffer imprisonment with or without hard labour, for any period not exceeding seven years.

DISTRICT OR GARRISON COURTS MARTIAL.

Offences punishable by Imprisonment not exceeding Three Years.

Article 136.—It shall be competent to the Commander-in-chief, and to any officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of death or imprisonment or transportation for life is not provided therein, to be tried for such offences before a District or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to imprisonment with or without hard labour for any period not exceeding three years.

Article 137.—Any officer or soldier who shall be convicted by a General, District or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding 300 Company's rupees, but exceeding 50 Company's rupees;—or

Article 138.—Of having purchased or received any stolen property of value not exceeding 300 Company's rupees, knowing it to have been stolen, but not under aggravating circumstances;—or

Article 139.—Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen :—

Shall be sentenced by such Court to suffer imprisonment with or without hard labour for any period not exceeding three years.

REGIMENTAL,

REGIMENTAL, DETACHMENT, OR LINE COURTS MARTIAL.

Offences punishable by Imprisonment not exceeding Six Months.

Article 140.—It shall be competent to any officer having authority to convene a Court Martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding imprisonment with hard labour for three years is therein provided, to be tried before Regimental or Detachment or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer imprisonment with or without hard labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from Six Months to One Year, according to the description of Court.

Article 141.—Any officer or soldier who shall be convicted of stealing property to the value of 50 Company's rupees, or of less value ;—or

Article 142.—Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances :—

Shall be sentenced to suffer imprisonment with or without hard labour, for any period not exceeding one year, by the award of a General or District or Garrison Court Martial ; or, for any period not exceeding six calendar months, by the award of a Regimental or Detachment or Line Court Martial.

Offences punishable by Imprisonment from Six Months to Two Years, according to the description of Court.

Article 143.—Any officer or soldier who shall be convicted of resisting the process of a magistrate or police officer ;—or

Article 144.—Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War :—

Shall be sentenced to suffer imprisonment for any period not exceeding two years, by the award of a General Court Martial ; not exceeding one year, by the award of a District or Garrison Court Martial ; and not exceeding six calendar months, by the award of a Regimental or Detachment or Line Court Martial.

Article 145.—Any officer or soldier who shall be convicted by a General or District or Regimental Court Martial, of having been present aiding and abetting, or of having caused, instigated or procured the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General or District or Regimental Courts Martial respectively.

Article 146.—No sentence of death shall be carried into effect until confirmed by the Commander-in-chief, nor, if the trial shall have been held within the British territories forming part of either of the Presidencies of Fort William, Fort St. George and Bombay respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

Article 147.—The Commander-in-chief is authorized at his discretion to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment with hard labour and transportation for life, or into imprisonment with hard labour for any term of years.

Article 148.—No sentence of transportation shall be carried into effect until confirmed by the Commander-in-chief, and the Commander-in-chief is authorized at his discretion to confirm any such sentence, or to commute it into imprisonment with or without hard labour for any period of time.

Article 149.—It shall be competent to any officer having authority to confirm the sentence of a General or other Court Martial, to remit any sentence passed

ACTS of 1845.

by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

Article 150.—But no sentence of imprisonment with hard labour, passed by a Regimental or Detachment or Line Court Martial, and confirmed either in whole or in part by the commanding officer; and no award of discharge substituted for other punishment as aforesaid by such commanding officer; shall be carried into effect without the sanction and authority of the officer commanding the division or field force, or district or brigade (being the senior officer on the spot) in which the offender may be serving, or of the senior officer on the spot in the field.

Article 151.—A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by cashiering or dismissal from the service.

Article 152.—The Regulations at present in force at any Presidency, by which the office and powers of Commissariat officers, or officers in charge of the police, or superintendents of bazars, are defined and controlled; or by which Panchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War within certain limits beyond or around cantonments, are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.—*Application of the Articles.*

Article 153.—All officers and soldiers, all drivers, farriers, trumpeters and drummers; all hospital attendants, sub-assistant surgeons, native doctors and dressers; all artificers and labourers, suttlers, followers, public and private, or others attached to or serving with any part of the army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this article (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects), shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the officers and soldiers in the European service of the East India Company.

Promulgation of the Articles.

Article 154.—These articles are to be translated into the several languages of the different Presidencies, and the parts following; viz. the second Section, together with the following Articles in other Sections which are marked with an asterisk (*), viz. 2, 4, 72, 75, 77, 99, 100, 107 and 108, are to be read once every six months at the head of every regiment, troop or company mustered in the service, and to every recruit at the period of his enlistment.

ACT No. XXI. of 1845.

Passed by the Governor-General of India in Council, on the 13th September 1845.

AN ACT respecting the appointment and powers of Agents for the Suppression of Meriah Sacrifices in the Hill Tracts of Orissa.

I. It is hereby enacted, that it shall be lawful for the Governor-general in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack,

Cuttack, any of the tributary estates specified in section 2, Regulation II. of 1816, of the Bengal Code, and to place any such estates under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Bengal in that behalf.

II. And it is hereby enacted, that it shall be lawful for the Governor-general in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor-general, South-west Frontier, any portion of the tracts of country comprised in that agency, and to place any such portion under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

III. And it is hereby enacted, that it shall be lawful for the Governor-general in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of country specified in section 2, of the said last-mentioned Act, and to place any such portion under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

IV. And it is hereby enacted, that it shall be lawful for the Governor-general in Council, by an Order in Council, to remove from the operation of the General Regulations and Laws any portion of zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

V. And it is hereby enacted, that all such agents and their subordinates as shall be appointed under this Act, shall, in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Governments.

VI. And it is hereby enacted, that it shall be competent to the Governor-general in Council, through the Governments of the aforesaid Presidencies respectively, to prescribe such rules as he may deem proper for the guidance of such agents and subordinates, and to determine to what extent the decision of the said agents in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said agents in criminal trials, and what criminal cases they shall submit for the decision of the Sudder Court.

ACT No. XXII. of 1845.

Passed by the Governor-General of India in Council, on the 20th September 1845.

AN ACT for providing for the exercise of certain Powers by the Governor-general, during his absence from the Council of India.

I. WHEREAS it is expedient that the Governor-general should visit the North Western Provinces and other parts of India, unaccompanied by any member of the Council of India; it is enacted, that during the absence of the Governor-general from the Council of India, it shall be lawful for the Governor-general alone to exercise all the powers which may be exercised by the Governor-general in Council, except such powers as may by a resolution of the Governor-general in Council be exercised by the President in Council during the absence of the Governor-general, and except the power of making Laws and Regulations.

ACTS of 1845.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified, by an Order published in the official Gazette, that the Governor-general has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. XXIII. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 22d November 1845, with the assent of the Right Honourable the Governor-General of India.

AN ACT to enable "The Union Bank of Calcutta" to sue and be sued in the name of the Secretary or of the Treasurer of the said Company.

WHEREAS by and under a certain deed of partnership or association, or an agreement in writing of that nature, bearing date the 1st day of August 1839, several persons have formed themselves into a certain company or co-partnership by the name of "The Union Bank of Calcutta," by which said deed or agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing promissory notes payable to bearer on demand at their office in Calcutta, for any sum of not less than eight Company's rupees and not exceeding 1,000 Company's rupees, and bills of exchange payable at such time after date or sight as the directors for the time being should fix, to parties who should require the same, and deposit the amount of such bills in the said Bank, which deposit should bear interest at such rate as the directors should fix, and also in discounting bills and promissory notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by bankers in Calcutta; and by which said deed or agreement it was and is further provided, that the capital stock and fund of the said Company should amount to the sum of 10,00,000 of Company's rupees, with certain provisoes for increasing the same when and if it should be deemed expedient: And whereas difficulties have arisen and may hereafter arise in recovering debts and monies due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank, since by law all the members for the time being of the said Company must be named in every action or suit carried on for such purpose: And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two officers hereinafter mentioned or described in that behalf; therefore, for obviating and removing the difficulties aforesaid, it is hereby enacted, that from and after the passing of this Act, all actions, suits and other proceedings whatsoever at law or in equity for any injury or wrong done to any real or personal property of the said Union Bank, in whomsoever the same may for the time being be vested, whether in the said Company or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or to any person or persons in trust for the said Union Bank, or upon any bonds, covenants, contracts or agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Union Bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of insolvency in any Court for the relief of insolvent debtors against any person or persons indebted to the said Union Bank, and liable to have been made insolvent by the laws now or at any time hereafter in force relating to insolvents in the East Indies, and generally all other proceedings whatsoever at law or in equity to be commenced, instituted or carried on by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested against any person or persons, body or bodies politic or corporate, or others, whether such person or persons, body or bodies politic or corporate,

is or are or shall then be a member or members, proprietor or proprietors of or in the said Union Bank or not, shall and lawfully may be commenced, instituted, presented and prosecuted or carried on in the name of the person who shall be the Secretary, or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted, as the nominal plaintiff or petitioner for or on behalf of the said Union Bank, and all actions, suits and proceedings at law or in equity, as well for subsisting as future accruing claims, debts or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies politic or corporate, whether such person or persons, body or bodies politic or corporate, is or are or shall then be a member or members, proprietor or proprietors of or in the said Union Bank or not, shall be commenced, instituted and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent or defender for and on behalf of the said Union Bank, and the death, removal, resignation or any other act of such Secretary or Treasurer, or the bankruptcy or insolvency of such Secretary or Treasurer, shall not abate or prejudice any action, suit or other proceeding at law or in equity commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

II. And it is hereby enacted, that from and after the passing of this Act, in all indictments, informations and other criminal proceedings brought, instituted or carried on by or on the behalf of the said Union Bank, for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing or embezzlement, damaging or destroying, or for any offence whatever relating to any money, notes, bills, effects, securities or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such money, notes, bills, effects and securities and other real and personal property, in whomsoever the same may be vested, whether in the said Union Bank or in some person or persons in trust for the said Union Bank, to be the money, notes, bills, effects and securities or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be laid to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence; and in all other allegations or indictments, informations or other proceedings in which before the passing of this Act it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer shall not abate or render defective or in anywise affect or prejudice such indictments, informations or other criminal proceedings.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into by or on behalf of the said Union Bank, shall be in anywise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in anywise interested or concerned in such action, being a member or members of, or a shareholder or shareholders, or a partner or partners in the said Union Bank; but any member or members, or shareholder or shareholders of, or partner or partners in the said Union Bank, shall and may have the same right of action and remedy, to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever which he or they might have had if he or they had been a stranger or strangers, and not a member or members, shareholder or shareholders, partner or partners of or in the said Union Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for

ACTS of 1845.

the time being thereof, by virtue of this Act, upon or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account, shall be in anywise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in anywise interested or concerned in such action, being a member or members, shareholder or shareholders, or partner or partners of or in the said Union Bank; but the said Union Bank shall and may have the same right of action and remedy, to be proceeded in and enforced in the same manner against any member or members, shareholder or shareholders thereof, either alone or jointly with any other person or persons upon any contract, and upon and for any debt, damage or demand whatsoever, which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a member or members, or shareholder or shareholders, or partner or partners of or in the said Union Bank.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a memorial, in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit, of the name, residences and descriptions of the Directors, Secretary and Treasurer, and of the several persons being members and proprietors of the said Union Bank, to be verified by a declaration in writing to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary, or some one of the said Directors for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within 12 calendar months' next after the passing of this Act; and whenever any new Director or Directors, or Secretary or Treasurer shall be elected, a like memorial shall be verified and enrolled as aforesaid, specifying in whose place or places he or they shall be appointed, within 12 calendar months after such appointment; and whenever any person or persons shall cease or discontinue to be a proprietor or proprietors of the said Union Bank, a memorial of his, her or their names shall be in like manner verified within 12 calendar months after such person or persons shall have so ceased or discontinued to be such proprietor or proprietors, in the form expressed in the said Schedule for that purpose; and when any new proprietor or proprietors shall be admitted into the said Union Bank, a memorial of his, her or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature, within 12 calendar months afterwards, according to the form in the said Schedule: Provided always, that if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be guilty of a misdemeanor.

VI. And it is hereby further enacted, that until such memorial as first herein, before mentioned shall have been deposited and enrolled as hereinbefore directed, no action or suit shall be brought by the said Union Bank under the authority of this Act; and until the memorial by this Act required to be deposited and enrolled in the event of any person or persons ceasing or discontinuing to be a Director, or Secretary, or Treasurer, or member of the said Union Bank, shall have been deposited and enrolled as hereinbefore mentioned, the person or persons whose names shall appear in the last memorial which shall have been made and enrolled, shall be and are hereby declared to be liable to all such actions, suits and executions upon judgment or decree, and other proceedings under this Act, in the same manner as if he, she or they had not ceased or discontinued to be a Director, Secretary or Treasurer, or proprietor of the said Union Bank.

VII. And it is hereby further enacted, that an examined copy of every memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the keeper of records and muniments for the time being of the said Supreme Court of Judicature, shall be received in evidence as proof of the contents of such memorial, and proof shall not be required that the person by whom the memorial purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit or proceedings in any Court of Law or Equity within the limits of the

the territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank, shall, subject to the express provisions of this Act, have the like effect and operation upon and against the property and funds of the said Union Bank, as if such judgment, decree or order had been made or pronounced against all the members of the said Union Bank, and as if all the members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

IX. Provided always, and it is hereby further enacted, that in case execution upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank, as defendant or respondent or otherwise, shall have been issued and taken out against the funds and property of the said Union Bank under the provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such case execution upon any such judgment or decree shall be issued against any other individual, proprietor or proprietors of the said Union Bank successively, as it may become necessary to enforce payment and satisfaction of the said judgment or judgments; Provided also, that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted or defended, and every Director or member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter mentioned, shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages, costs and charges as by the event of any such proceedings he or they shall be put unto or become chargeable with; and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges, then the deficiency shall be made good by the proprietors for the time being of the said Union Bank: Provided also, that if any such execution against the Secretary or Treasurer, or member or members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank, to issue execution against any other person or persons who was or were a member or members thereof at the time the contract or contracts was or were entered into, upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit, without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made or notice given to the person or persons sought to be charged: Provided also, that nothing herein contained shall render such past members or proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought to which they would not have been liable by operation of law as partners, in case any action or other proceeding had been originally brought against them for the same.

X. And whereas it is expedient that every member of the said Union Bank, against whom any execution shall be issued upon any judgment or decree under the authority of this Act, should have an easy and expeditious mode of recovering all such losses, damages, costs and charges as he or she shall be put to or become chargeable with in consequence thereof; it is therefore hereby enacted, that if any execution upon any judgment or decree obtained in any action, suit or proceeding under this Act shall be issued against any other proprietor or member of the said Union Bank, and such proprietor or member shall not within the space of one month next after the issuing thereof be reimbursed out of the funds or property of the said Union Bank, all such monies, costs, charges, losses and expenses as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such member or proprietor to divide such monies, or cost or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid, into as many equal parts or shares as the capital of the said Union Bank shall at that time be divided into; and each and every proprietor for the time being of any share or shares in the said Company shall, in proportion to the number of shares which he or she may hold in the said Union Bank, pay one or more of such parts or shares upon demand to the member or

ACTS of 1845.

proprietor against whom such execution shall have issued, or to his or her executors or administrators; and upon the neglect or refusal of any proprietor of the said Company to pay upon demand his or her due and fair proportion of such monies, costs and charges, then and in such case it shall be lawful for the proprietor, or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint against the proprietor, or the executors or administrators of any proprietor who shall so neglect or refuse as aforesaid, in Her Majesty's Supreme Court of Judicature in Calcutta.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any member of the said Union Bank, being the plaintiff, appellant, petitioner or prosecutor, or being the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment commenced, instituted or prosecuted in the Courts and within the limits aforesaid, by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such action, suit, petition, proceeding, prosecution or indictment, but such Secretary or Treasurer, or member of the said Union Bank as aforesaid, shall and may, if not otherwise interested or objectionable, be a good and competent witness, and be admissible and be admitted as such in all the Courts above-mentioned, and by and before all judges, justices and others within the limits aforesaid, in any such action, suit, petition, proceeding, prosecution or indictment, in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner or prosecutor, defendant or respondent, in any such action, suit, petition, proceeding, prosecution or indictment, or other proceeding.

XII. And it is hereby further enacted, that any individual member or members of the said Union Bank, or person or persons who shall have been a member or members of the said Union Bank, and have parted with his, her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him, her or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity within the limits aforesaid, any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being; and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name, by and on behalf of the said Company, any suit or other proceeding in any Court of Equity within the limits aforesaid, against any individual member or members of the said Union Bank, or person or persons who shall have been a member or members of the said Union Bank, and have parted with his, her or their shares, and interest therein against whom the said Union Bank generally may have any claim or demand, and all such suits and other proceedings shall be as valid and effectual as if all the members of the said Union Bank had been made parties; and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof: Provided always, that in case for the purpose of discovery or for any other purpose, any person or persons (whether members of the said Union Bank or not) having claims or demands against the said Union Bank shall be desirous to include any other member or members of the said Union Bank, besides the Secretary or Treasurer for the time being as a defendant or defendants in any bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her or them so to do, anything in this Act contained to the contrary notwithstanding.

XIII. And it is hereby further enacted, that no person or persons, body or bodies politic or corporate, having or claiming to have any demand upon or against the said Union Bank shall, when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies politic or corporate, bring more than one action or suit in respect of such demand, and the proceedings in any action or actions, suit or suits which may have been brought

brought against the Secretary or Treasurer for the time being of the said Union Bank under the authority of this Act, if so determined, may be pleaded in bar of any action or actions, suit or suits in any of the Courts aforesaid for the same cause against any other Secretary or Treasurer, or against any member of the said Union Bank ; and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies politic or corporate, whether a member or members of the said Union Bank or not, and which shall have been determined in any action or suit commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits in any of the Courts aforesaid for the same demand, which may be commenced or prosecuted by the same or any other Secretary or Treasurer of the said Union Bank.

XIV. Provided always, and it is hereby further enacted, that nothing in this Act contained shall extend or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty or obligation whatever to which by law they now are or at any time hereafter may be subject or liable, either as between the said Union Bank and other parties, or as between the said Union Bank and any of the individual members of the said Union Bank, or any of them and others, or amongst themselves, or in any manner whatsoever.

XV. And it is hereby further enacted, that this Act and the provisions herein contained shall extend and be construed to extend to the said Company called the Union Bank, at all times during the continuance thereof, whether the said Union Bank hath been, or be now, or shall hereafter be composed of all or of some of the persons who were the original members thereof, or of all or some of those persons, together with some other person or persons, or whether the said Union Bank be at the time of the passing of this Act composed altogether of persons who were not original members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original members thereof, or of persons all of whom shall become members subsequently to the passing of this Act.

The SCHEDULE referred to in this ACT.

Original Memorial of Directors to Secretary and Members.

MEMORIAL made the _____ day of _____ of the names of the present Directors, Secretary, Treasurer and members of "The Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled, "An Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C. D. of	}	Directors.
and		
E. F. of	}	Secretary.
G. H.		
I. J.	}	Proprietors.
K. L., &c.		

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare, that the above-written memorial doth contain the names of the present Directors, Secretary, Treasurer, and of all the present proprietors of the said Union Bank, as the same appear in the books of the said Union Bank, and make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Act substituting declarations in lieu of oaths and affirmations.

(signed) C. D.

Declared, &c. before me,
Master of the Supreme Court
of Judicature,

ACTS of 1845.

In the case of change of Directors or Secretary.

MEMORIAL made the _____ day of _____ of the names of the new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed, pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F. of _____ Director, in the place of *A. B.*

G. H. of _____ Secretary, in the place of *C. D.*

I, *E. F.*, one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare, that the above-written memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed, as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c (as before).

(signed) *E. F.*

Declared, &c. &c.

N. B.—The last memorial as to new Directors or Secretary or Treasurer, was enrolled on the _____ day of _____ 18

In the case of Retirement of Members.

MEMORIAL made the _____ day of _____ of the names of the persons who have ceased or discontinued to be members of "The Union Bank of Calcutta," since the _____ day of _____ being the date of the memorial last registered respecting the members of the said Union Bank, enrolled pursuant to an Act passed, &c., intituled, &c.

A. B. of _____

I, *E. F.*, of _____ one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare, that the above memorial doth contain the name or names of the persons who have ceased or discontinued to be members of the said Union Bank since the _____ day of _____ and I make this solemn declaration (as before).

(signed) *E. F.*

Declared, &c. &c.

N. B.—The last memorial as to retirement of members was enrolled on the _____ day of _____ 18

In the case of New Members.

MEMORIAL made the _____ day of _____ of the names of the persons who have become new members of "The Union Bank of Calcutta" since the _____ day of _____ 18 (being the date of the memorial last registered respecting new members of the said Union Bank), enrolled pursuant to an Act, &c.

J. K. of _____

L. M. of _____

I, *A. B.*, of _____ one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare, that the above memorial doth contain the names of the persons who have become new members of the said Union Bank since the _____ day of _____ 18 and I make this solemn declaration, &c. (as before).

(signed) *A. B.*

Declared, &c. &c.

N. B.—The last memorial as to new members was enrolled on the _____ day of _____ 18

Memorial

Memorial of several Changes.

ACTS of 1845.

MEMORIAL made the _____ day of _____ of the names of the new Directors and Secretary of "The Union Bank of Calcutta," and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be members of the said Union Bank, and of the new members of the said Union Bank enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

E. F. of _____ in the place of *A. B.* of _____
G. H. of _____ in the place of *C. D.* of _____

Names of the persons who have ceased to be Members.

A. B. of _____
C. D. of _____

Names of New Members.

J. K. of _____
L. M. of _____

I, *E. F.*, of _____ one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare, that the above-written memorial doth contain the names of the new Directors and Secretary of the said Union Bank, and of the persons in whose places they have been appointed, and of the persons who have ceased to be members of the said Union Bank, and of the new members of the said Union Bank, as the same respectively appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before).

(signed) *E. F.*

Declared, &c.

N. B.—The last memorial as to new Secretary was enrolled on the _____ day of _____ 18____

The last memorial as to new Directors was enrolled on the _____ day of _____ 18____

The last memorial as to the retirement of members was enrolled on the _____ day of _____ 18____

The last memorial as to new members was enrolled on the _____ day of _____ 18____

ACT No. XXIV. of 1845.

Passed by the Honourable the President of the Council of India in Council, on 22d November 1845, with the Assent of the Right honourable the Governor-General of India.

AN ACT for establishing a Court for the trial of Officers of the Pilot Service accused of Breach of Duty.

I. It is hereby enacted, that from and after the 1st day of January next, if any person employed in the pilot service of the East India Company, at the Presidency of Fort William in Bengal, shall be accused of having committed any breach of duty while engaged in such service, and it shall appear to the Superintendent of Marine that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial before a Court, consisting of a President and two merchants of Calcutta, four commanders of British ships and two branch pilots or master pilots of the East India Company's service, as members.

II. And it is hereby enacted, that the said President shall be such person as shall be from time to time appointed for that purpose by the Governor of Bengal.

467.

G 4

III. And

ACTS of 1845.

III. And it is hereby enacted, that whenever it shall appear to such Superintendent of Marine that any person employed in the said pilot service ought to be brought to trial before such Court, the said Superintendent shall convene such Court by giving notice to the said President, and summoning, by writing under his hand, any two merchants of Calcutta, any four commanders of British ships lying in the port of Calcutta, and any two branch pilots or master pilots of the East India Company's service, to appear for the purpose of holding such trial, at a time and place to be subsequently intimated to them by the Judge Advocate appointed to conduct the proceedings of such Court: Provided always, that every Court to be held under this Act shall consist of the President, and at least four members, and that the decision shall, in every case, be according to the votes of the majority, and that in case of equality of votes, the President shall have a casting vote.

IV. And it is hereby enacted, that if after the Court shall have been convened the President shall be prevented by sickness or any other cause from attending the said Court, it shall be lawful for the members of the said Court, not being less than five in number, to elect one from among themselves, who shall perform the functions of President of the said Court until the end of the trial.

V. And it is hereby enacted, that if any person summoned, as aforesaid, shall neglect or refuse to attend in pursuance thereof, or to remain in attendance to the end of such trial, without sufficient cause, then it shall be lawful for the said Superintendent of Marine to impose upon any such person a fine not exceeding the sum of 200 rupees for every such default; and every justice of the peace for the town of Calcutta is hereby authorized and required, upon representation made to him in writing and signed by the said Superintendent, to enforce the payment of such fine in like manner as if such fine had been imposed by himself.

VI. And it is hereby enacted, that the proceedings before such court shall be conducted on the part of Government by such person as the Governor of Bengal shall from time to time appoint as Judge Advocate for that purpose.

VII. And it is hereby enacted, that it shall be lawful for the said Judge Advocate, and he is hereby authorized and required either at the request of the party accused, or of the party making the accusation, or of the said Court, by writing under his hand to summon any person whatsoever, to attend as a witness at a time and place to be specified in such summons, for the purpose of being examined at any trial before a Court constituted as aforesaid, or if such person shall be about to depart from Calcutta, so as to be unable to attend at such trial without serious inconvenience, then to be examined before the President of the said Court, and any two members of the said Court: Provided always, that due notice of the time and place of such examination shall be given to the person against whom a charge is about to be preferred; and provided also, that such witness may nevertheless be examined at the trial if he shall be able to attend thereat, in which case his previous examination may also be read at the trial.

VIII. And it is hereby enacted, that every witness duly summoned to attend any such Court or President and two members, shall during his necessary attendance on such Court or President and two members, and in going to and returning from the same, be privileged from arrest, and shall, if arrested in breach of such privilege, be discharged by such Court or President and two members, or by the Supreme Court, or any Judge thereof, or by any justice of the peace in and for the town of Calcutta, upon its being made to appear to such Court or President and two members constituted by this Act, or to such Supreme Court or Judge, or to such justice of the peace by affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such Court or President and two members constituted by this Act, and that every witness so duly summoned to attend as aforesaid, who shall not attend on such Court or President and two members, or who attending shall refuse to give evidence on oath or solemn affirmation or declaration, or to answer all such questions as the Court or President and two members may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made, in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

IX. And

IX. And it is hereby enacted, that every member assisting at every such Court before the commencement of any proceeding to be had before it, shall take the following oath upon the Holy Evangelists, which oath shall be administered by the President of such Court to the other members thereof, and to the President by the Judge Advocate; that is to say,

“ I, A. B., do swear that I will duly determine and administer justice according to the evidence in the matter that shall be brought before me, and that I will not divulge the sentence till it shall be approved of by competent authority, neither will I at any time divulge the vote or opinion of the President, nor my own vote, nor that of any member of this Court, unless required to give evidence thereof as a witness by a court of justice in due course of law.

“ So help me GOD.”

X. And it is hereby enacted, that the Judge Advocate who is to conduct the proceedings of the said Court shall take the following oath, which oath shall be administered by the President :

“ I, A. B., do swear that I will not upon any account whatsoever disclose or discover any vote or opinion of the President or any particular member of this Court, unless required to give evidence thereof as a witness by a court of justice in due course of law.

“ So help me GOD.”

XI. And it is hereby enacted, that every witness before any such Court or President and two members, shall be examined upon oath, which such Courts and President and two members are hereby authorized to administer : Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Court or President and two members constituted by this Act, shall substitute such solemn declaration or affirmation for an oath.

XII. And it is hereby enacted, that any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case in which an oath or solemn declaration or affirmation is by this Act required to be made, shall be deemed guilty of wilful and corrupt perjury, and being duly convicted, shall be liable to the pains and penalties of perjury.

XIII. And it is hereby enacted, that if the party against whom a charge is preferred shall appear, or shall not satisfy the Court that he has a reasonable excuse for not appearing, the said Court shall proceed to hear and determine the charges preferred by the said Superintendent against any person or persons so employed in the pilot service as aforesaid, and if such person or persons shall be found guilty by the said Court of the breach of duty laid to his or their charge, it shall be competent to the said Court, and it is hereby required to sentence such person or persons to dismissal from the said pilot service, or to such other punishment by loss of rank or pay as to the said Court shall appear fit, whether or not such breach of duty be punishable under a certain Code called the Penal Code for the better order and government of the members composing the pilot service, passed by order of the Right honourable the Vice-President in Council, on the 21st December 1826.

XIV. Provided always, and it is hereby enacted, that in all cases wherein the charge preferred before such Court is a charge of a breach of duty punishable under the said Code, the said Court shall award such punishment as is prescribed for such breach of duty in the said Code, and no other.

XV. Provided also, and it is hereby enacted, that the said Code shall remain in full force as regards the several breaches of duty therein specified, but that it shall be competent for the said Superintendent of Marine, and he is hereby empowered in any case of breach of duty not specified in the said Code, to frame such charge as shall be applicable to the facts of the case, and to prefer the same to the said Court.

XVI. Provided always, and it is hereby enacted, that nothing in this Act contained shall prevent the said Superintendent from deciding summarily in cases in which he was empowered to decide summarily before the passing of this Act.

ACTS of 1845.

XVII. And it is hereby enacted, that the proceedings of such Court shall be sent on completion of the trial to the Superintendent of Marine, and it shall be lawful for the said Superintendent of Marine to send back the proceedings to the Court for revision of the finding or sentence, or both.

XVIII. And it is hereby enacted, that every finding and sentence of such Court as aforesaid shall be subject to the approval of the Governor of Bengal, and that no such finding or sentence shall be considered final or conclusive until it has been submitted to and approved by the Governor of Bengal, who is hereby empowered to remit any part or the whole of such sentence, as he shall think fit, and that every such sentence either of dismissal from the service or of loss of rank or pay, upon being confirmed or mitigated by the said Governor of Bengal, shall be considered valid and effectual from the date of such confirmation or mitigation, and shall be forthwith carried into effect.

XIX. And it is hereby enacted, that it shall be lawful for the said Superintendent of Marine to make such rules for conducting the proceedings and regulating the practice of the said Courts, and for carrying into effect the purposes of this Act, as to the said Superintendent shall seem expedient, and all such rules shall be submitted to the Governor of Bengal, and shall have full effect after they shall have been confirmed by the Governor of Bengal.

ACT No. XXV. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 20th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for regulating the time of Sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

WHEREAS by section 8, Act XXI. of 1844, it was amongst other things enacted, that no ship or vessel carrying emigrant labourers to Jamaica, British Guiana or Trinidad, should sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September, and the 1st of March next thereafter ensuing :

And whereas the said provision is found to be inconvenient so far as regards ships or vessels carrying emigrant labourers from Madras :

It is therefore hereby enacted, that so much of the said Act as is hereinbefore recited be repealed, so far as regards such last-mentioned ships or vessels.

II. And it is hereby enacted, that no ships or vessels carrying emigrant labourers to Jamaica, British Guiana or Trinidad, shall sail from Madras at any other time than between the 31st day of any August, and the 1st of March next thereafter ensuing.

ACT No. XXVI. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to regulate the granting and withholding Licenses for the Sale of Liquors within the Town of Calcutta.

I. It is hereby enacted, that all powers and duties now vested by law in the justices of the peace with respect to granting and withholding licenses for the sale of arrack or other spirituous or fermented liquors within the town of Calcutta, shall, from and after the passing of this Act, be vested in and discharged by any person whom the Governor of Bengal may appoint for that purpose.

II. And

II. And it is hereby enacted, that the Governor of Bengal shall have authority at all times to regulate the form of licenses to be granted for the sale of arrack and other liquors as aforesaid in the town of Calcutta, and to vary and add to the terms and conditions thereof.

ACTS of 1845.

III. And it is hereby enacted, that whenever a license to sell arrack or other liquors as aforesaid shall be granted under the provisions of this Act, the officer granting such license shall be authorized to demand, in consideration of the privilege granted, such fee, tax or duty as may from time to time be fixed under the sanction of the Governor of Bengal; and such fee, tax or duty may be made payable in advance, or at such period as may be settled by the officer granting the license.

IV. And it is hereby enacted, that it shall be lawful for the officer granting such license to withhold or recall the same, in case the fee, tax or duty aforesaid be not duly paid according to the conditions upon which such license shall be granted; and any person vending arrack or other liquors as aforesaid within the town of Calcutta, whilst such license shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending arrack or other liquors as aforesaid without a license.

ACT No. XXVII. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for enabling Assistant Magistrates vested with special Powers to decide Cases under the Provisions of Act IV. of 1840.

I. It is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, assistant magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840, when such cases are referred to them by the magistrates to whom they are subordinate, and that such assistants shall deal with such cases in the same way as magistrates are competent to deal with them under the said Act.

II. Provided always, that the magistrates may at all times recall from such assistants any depending cases which may have been referred to them under this Act, and which for the more speedy administration of justice or for any other reason, the magistrates may deem it proper to determine themselves in the first instance.

ACT No. XXVIII. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Fort St. George.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the criminal business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before

ACTS of 1845.

such Judge so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in term, it shall in like manner have power to transact out of term, and that all proceedings whatever before the said Court out of term, shall be as good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had in term, and that all rules and orders of the said Court as to all judgments, executions or other proceedings in term, shall be applicable and shall be applied to all judgments, executions or other proceedings given, issued or had out of term, as near as the same can be made applicable thereto, and the said Court shall issue such new rules and orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XXIX. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor-general of India in Council, whenever the state of civil judicial business may render it expedient, to appoint in any zillah within the territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the zillah, except that he shall not keep a file of civil suits, but shall transact such civil business only as he may receive from the Judge of the zillah.

II. And it is hereby enacted, that the rules and regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

III. And it is hereby enacted, that previous to exercising the functions of his office, the Joint Judge shall take the oath prescribed for the Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the zillah.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor-general in Council, whenever the state of criminal judicial business may render it expedient, to appoint in any zillah within the said territories a Joint Session Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the zillah, except that he shall not receive original complaints, but shall transact such criminal business only as he may receive from the Session Judge of the zillah.

VI. And it is hereby enacted, that the rules and regulations at present in force, or which may hereafter be enacted for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

VII. And it is hereby enacted, that previous to exercising the functions of his office, the Joint Session Judge shall take the oath prescribed for the Session Judge, with the requisite alteration of designation, or when the oath is dispensed with

with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath. ACTS of 1845.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the zillah.

ACT No. XXX. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for enabling Session Judges within the Madras Presidency to award Fines in compensation to injured Parties.

It is hereby enacted, that from the 1st day of February 1846, it shall be competent to the Session Judges within the Presidency of Fort St. George, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to magistrates to award fines under Clause 2, Section 39, Regulation IX. 1816, of the Madras Code.

ACT No. XXXI. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

I. It is hereby enacted, that the reduced pay or pension, however denominated, of invalid officers and soldiers and retainers of the Bombay Army, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor in Council of Bombay, to any person in consideration of past services and present infirmities or old age, for the term of the life of such worn-out or disabled officer or public servant, shall not, from and after the passing of this Act be liable to seizure, attachment or sequestration by the process of any of the Courts of the East India Company within the said Presidency, at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court, nor any money due or to become due on account of such pension or allowance, unless the same have been assigned or made over by the pensioner by a writing under his signature executed previous to the passing of this Act, any law or regulation to the contrary notwithstanding.

II. And it is hereby enacted, that all assignments, bargains, sales, contracts, agreements or securities whatsoever made after the passing of this Act, by such pensioner, as described in the foregoing section, for any money to become due thereafter on account of his pension, shall be null and void and of no effect, any law or regulation to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the pensioner executed on or after the date when the same shall become due.

ACTS of 1845.

ACT No. XXXII. of 1845.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1845, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to modify Regulation I. of 1820 of the Madras Code, relative to Manufacturing Spirituous Liquors by the European process of Distillation.

I. WHEREAS it is expedient to modify Regulation I. of 1820, of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same under certain conditions, for consumption within the territories of the Presidency of Fort St. George: And whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are equally, with other parties, amenable to the local authorities in the Provinces, for offences committed in violation of the said Regulation I. of 1820 of the Madras Code; it is hereby enacted, that clauses 2 and 3, section 4, Regulation I. 1820, of the said Code, be repealed.

II. And it is hereby enacted, that the licenses to be granted under section 4, Regulation I. 1820, of the Madras Code, for the establishment of all distilleries for manufacturing rum, arrack or other spirits by process of distillation similar to the European system, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the spirituous liquor manufactured at such distillery shall be exported by sea, or shall be sold only to the civil or military officers of Government empowered to purchase the same on account of the public service, or to abkarry renters for retail sale within the limits of their respective farms, but not to the licensed retail dealers of Madras contemplated by section 7, Regulation I. 1813, of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who in breach of the stipulation in his distillery license held under the provisions of the foregoing section, and of clause 1, section 4, Regulation I. 1820, Madras Code, shall directly or indirectly sell or permit to be sold any such spirituous liquors to any European sailor or soldier, or to any native of India or other person, save and except to those persons to whom it is hereinbefore declared that such liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue by whom such license shall have been granted, be liable to the forfeiture of his license, or to a fine not exceeding 1,000 rupees for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall on conviction before the Session Judge or subordinate Judge of the zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences, save and except that no European British subject shall in any case be liable to hard labour when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that any fines which may be imposed for acts done in breach of the provisions of the said Regulation, or of the provisions of sections 2 and 3 of this Act, shall, in default of payment, be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or subordinate Judge of the Zillah, in sentencing any European British subject to imprisonment, to direct that the imprisonment shall be in the gaol at Madras.

VI. And it is hereby enacted, that the gaoler of the gaol at Madras shall receive into the said gaol any European British subject so sentenced as aforesaid, and keep him there imprisoned during the term of his sentence, in the same manner as if he had been sentenced by the Supreme Court.

ACTS of the Government of India. 1846.

ACT No. I. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 7th January 1846, with the Assent of the Right Honourable the Governor-General of India. ACTS of 1846.

AN ACT for amending the Law regarding the Appointment and Remuneration of Pleaders in the Courts of the East India Company.

I. It is hereby enacted, that section 15, Regulation XXIII. 1814; clause 7th, section 2, clause 11th, section 3, clause 4th, section 8, Regulation XXVI. 1814; clause 3d, section 3, section 7, clause 1st, section 15, sections 23, 24, 28, 29, 32, 33, 34, 35; clause 1st, section 39, Regulation XXVII. 1814; clause 2d, section 10, Regulation XXVIII. 1814; section 9, Regulation XIX. 1817; section 6, Regulation XI. 1826; section 30, Regulation V. 1831; section 7, Regulation IX. 1831; section 11, Regulation VII. 1832; Regulation XII. 1833 of the Bengal Code, and Act No. XIII. of 1838, be repealed.

II. And it is hereby enacted, that clauses 2d and 3d, section 14, Regulation VI. 1816; section 7, clause 1st, section 15, sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816; clause 7th, section 4, clause 11th, section 5, clause 4th, section 8, Regulation XV. 1816; clause 3d, section 6, Regulation I. 1827; clause 3d, section 6, Regulation VII. 1827; section 5, Regulation VI. 1828; section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that clause 3d, section 47, clause 2d, section 48, section 55, Regulation II. 1827 of the Bombay Code; and so much of clause 1st, section 7, Regulation XXIX. 1827 of the same Code, as empowers the zillah judges of the Deccan and Kandeish to examine pleaders and grant certificates of qualification to practise in their courts, be repealed.

IV. And it is hereby enacted, that the office of pleader in the courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a pleader in any of those courts unless he have obtained a certificate in such manner as shall be directed by the Sudder Courts that he is of good character, and duly qualified for the office, any law or regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every barrister of any of Her Majesty's courts of justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject, however, to all the rules in force in the said Sudder Courts applicable to pleaders, whether relating to the language in which the court is to be addressed or to any other matter.

VI. And it is hereby enacted, that section 25, Regulation XXVII. 1814 of the Bengal Code, section 25, Regulation XIV. 1816 of the Madras Code, and section 52, Regulation II. 1827 of the Bombay Code, shall cease to be enforced, excepting for the purpose specified in section 7 of this Act.

VII. And it is hereby enacted, that parties employing authorized pleaders in the said courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalutnama; provided, that when costs are awarded to a party in any regular suit, original or appeal, decided on the merits against another party, the amount to be paid on account of fees of pleaders shall be calculated according to the rules contained in the sections of Regulations specified in section 6 of this Act; and that when costs are awarded

ACTS of 1846.

in other cases, the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular suit.

IX. And it is hereby enacted, that so much of section 20, Regulation XXVII. 1814 of the Bengal Code, and of section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the zillah or city judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the rules applicable to pleaders in the courts of the zillah and city judges, shall henceforth be applicable, so far as they are capable of application, to pleaders in the moonsiffs' courts.

XII. And it is hereby enacted, that whenever a pleader has conducted himself in such a manner in the court of a moonsiff as would have rendered him liable to a fine if he had so conducted himself in the court of a zillah or city judge, it shall be competent to such moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the zillah or city judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to vakeels who may be employed in the courts of the village moonsiffs, or before the village or district Panchayets, or before the Collectors of zillahs, under the provisions of Regulations IV., V., VII. and XII., 1816, of the Madras Code.

ACT No. II. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 7th January 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT relating to unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

I. It is hereby enacted, that unscrewed cotton wool shall be allowed to be exported from any subordinate port of the Bombay Presidency to the port of Bombay free of the duty specified in Schedule (B.) of Act No. I. of 1838, and to the port of Bombay from any port of the Madras Presidency, free of the duty specified in Schedule (B.) of Act. No. VI. of 1844, to which port of the Madras Presidency the Governor in Council thereof may from time to time be pleased, by a notification in the official Gazette to grant such exemption of that duty; provided that the cotton wool so exported shall not be shipped on a square-rigged vessel.

II. And it is hereby enacted, that cotton wool shall be allowed to be imported into the port of Bombay from any part of the continent of India free of the duty specified in Schedule (A.) of the said Act No. I. of 1838.

ACT

ACT No. III. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 7th January 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the Establishment and Maintenance of Field Boundary Marks in the Presidency of Bombay.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to or exempted from the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields :

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such revenue officers as the Governor in Council may entrust with that authority, to require that marks be erected and maintained by the owners or occupants on the boundaries of fields, of such materials and in such number as may appear to such officers sufficient for permanently distinguishing the limits of those fields.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field, according to the Form (A.) annexed to this Act, and in the event of these persons not being found in the village, that the said requisition shall be posted at the village chowree or other conspicuous place in the village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the owners or occupants of the fields complying with the requisition, the said revenue officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the village in which the fields are situated.

IV. And it is hereby enacted, that no person, being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the village in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring field boundary marks, shall be liable to a fine not exceeding 50 rupees for each mark so erased, removed or injured, one-half of which fine may be awarded, on conviction, to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the revenue officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of revenue demands in general, and that the proceedings of those officers in all such matters shall be recorded in writing, and shall be subject to appeal to the revenue authorities to whom they are subordinate.

ACTS of 1846.

FORM (A.)

WHEREAS you are the owner [occupant, as the case may be] of the field in the village of , you are hereby required to fix boundary marks to the said field [by ridging or raising mounds of earth at the angles, or in such other mode as may be determined], or to repair its present boundary within days from this date, in default of which the same will be done by the Government officers, and the cost recovered from you under Act III. of 1846.

ACT No. IV. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 7th January 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

I. It is hereby enacted, that so much of sections 10 and 11, Regulation I. 1793, section 7, Regulation XXVII. 1795, sections 37 and 38, Regulation XXV. 1803, and sections 27 and 28, Regulation IX. 1805, as relates to the adjustment of the Government jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of civil judicature, Regulations XLV. 1793, XX. 1795, and XII. 1796, sections 15 to 26 (both inclusive); Regulation XXVI. 1803, so much of sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees, and clauses 2d and 3d, section 4, Regulation VII. 1825, all of the Bengal Code, be repealed.

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend any of the Regulations or parts of Regulations hereinbefore repealed, be also repealed.

III. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, except the North West Provinces, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the Courts of civil judicature, shall be made by such Courts or under their directions, and that the Rules now in force for the attachment and sale of such real property as the Courts of civil judicature are now authorized to sell in satisfaction of decrees, without application to the revenue authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted, in addition to the said rules, that in the said territories, except as aforesaid, whenever a holder of a decree of any Court of civil judicature shall apply to such Court for the sale in execution of any estate paying revenue to Government, or any portion of any such estate, he shall, at the time of making such application, file an authenticated extract from the register of the Collector's office, specifying the jumma of such estate, which shall be inserted in the notification of sale.

V. And it is hereby enacted, in addition to the said rules, that in the said territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately, either in cash, bank of Bengal notes, or post bills, or Government securities duly endorsed, 15 per cent. on the amount of his bid, and in default of such deposit, such land or interest therein shall forthwith be put up again and sold; and if the purchaser having paid the deposit required shall neglect or refuse to pay the purchase-money within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase-money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.

VI. And

VI. And it is hereby enacted, that in the North West Provinces of the territories subject to the Presidency of Fort William in Bengal, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the Courts of civil judicature, shall (except in the case of land which the Courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate officers under his directions, upon the requisition of such Courts.

VII. And it is hereby enacted, that in the last-mentioned Provinces, every such requisition shall specify the number of the suit, the Court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the schedule of the party applying for execution to be possessed of.

VIII. And it is hereby enacted, that in the last-mentioned Provinces the Collector shall issue a proclamation, in the current language of the country, of any intended sale of land or any interest therein, 30 days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the proclamation is issued, and the said proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the jumma of the estate constituting the property, or in which the property is situate; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered; and such proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the cutcheries of the local Moonsiff, of the Collector, of the Zillah or City Judge, and of the Court from which the requisition issued.

IX. And it is hereby enacted, that in the last-mentioned Provinces the provisions contained in section 5, of this Act, shall be applicable to sales of land, or any interest in land in execution of decrees of Court or other judicial process.

X. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, sales of land, or of any interest in land in execution of decrees of Court or other judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such rules as to them shall seem meet, and as shall not be repugnant to anything in this Act contained, for the attachment and sale of property in satisfaction of decrees or other process of the Courts of civil judicature, which rules shall, after they have been approved by the Governor-general of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut, with the approbation of the said Governor-general of India in Council, or by the said Governor-general of India in Council.

XII. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, all applications which may have been made by the Courts of civil judicature to the revenue authorities for the sale of land, or of any interest in land in satisfaction of decrees or other process of such Courts, previously to the passing of this Act, shall be proceeded upon as if this Act had not been passed.

XIII. And it is hereby enacted, that nothing contained in this Act shall affect the process of Her Majesty's Supreme Court of Judicature, or of the Court of Requests at Calcutta, or of any Court in the settlements in the Straits of Malacca.

ACT No. V. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 5th of December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for placing the Police of Surat under the Magistrate.

WHEREAS it has been judged expedient that the police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah :

It is hereby enacted, that so much of clause 1, section 1, Regulation IV. of 1830 of the Bombay Code, as reserves to the control of the Judge and his assistants the police jurisdiction of the City and Sudder Station of Surat, be repealed.

ACT No. VI. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 5th of December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the more convenient Administration of the Government of the Country called the Bhuttee Territory.

WHEREAS much inconvenience has resulted from maintaining as a part of the Delhi Division, the large and thinly peopled tract of country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege :

I. It is hereby enacted, that from and after the 1st day of January 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs :

Durbah.	Sirsa.	Raneeah.
Goodah.	Mullout.	Wuttoo.

II. And it is hereby enacted, that from and after the said day the administration of civil and criminal justice, the superintendence of the police, and the collection and superintendence of the revenues of every description within the said territory, shall vest in such agent as the Governor-general of India in Council shall appoint, and shall be exercised by the said agent with the aid of such assistants as shall be appointed by the said Governor-general of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor-general of India in Council to prescribe such rules as he may deem proper for the guidance of the agent aforesaid, and of all the officers subordinate to his control and authority, in all judicial and revenue proceedings, and to determine to what extent the decision of the agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the agent in criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any criminal trials referred by the agent under the rules which may be hereafter prescribed by the said Governor-general of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the agent duly preferred under the rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper, and in conformity with the prescribed rules.

ACT No. VII. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 5th of December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT regarding the Deposit of Diet Money for Witnesses in Petty Cases.

It is hereby enacted, in modification of clause 1, section 2, Regulation III. 1812, of the Bengal Code, that in the territories subject to the Presidency of Fort William in Bengal, it shall be lawful for the magistrates to regulate the amount of diet money required for witnesses in petty cases, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, to direct the deposit of any further sum which to the said magistrates may seem requisite.

ACT No. VIII. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 5th of December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for determining the Duration of the existing Settlement of the North Western Provinces.

WHEREAS the settlement of the several districts of the North Western Provinces has been made for different periods; and whereas from several causes the duration of the settlement as stated in the engagements of the Malgoozars does not always agree with that sanctioned by the Government; and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place:

I. It is therefore hereby enacted, that the jummah of all villages included on 1st May 1846, within the limits of the districts in the said provinces noted below, shall be considered fixed till the date inserted opposite to each district, so far as regards the claim of the Government to any increase upon the jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

Paneeput, July 1st, 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st, 1860, one thousand eight hundred and sixty.

Delhi, July 1st, 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st, 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st, 1872, one thousand eight hundred and seventy-two.

Sheharunpore, July 1st, 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st, 1861, one thousand eight hundred and sixty-one.

Mecrut, July 1st, 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st, 1859, one thousand eight hundred and fifty-nine.

ACTS of 1846.

- Allyghur, July 1st, 1868, one thousand eight hundred and sixty-eight.
- Bijnour, July 1st, 1866, one thousand eight hundred and sixty-six.
- Moradabad, July 1st, 1872, one thousand eight hundred and seventy-two.
- Budaon, July 1st, 1866, one thousand eight hundred and sixty-six.
- Bareilly, July 1st, 1867, one thousand eight hundred and sixty-seven.
- Shajehanpore, July 1st, 1868, one thousand eight hundred and sixty-eight.
- Muttra, July 1st, 1871, one thousand eight hundred and seventy-one.
- Agra, July 1st, 1872, one thousand eight hundred and seventy-two.
- Furruckabad, July 1st, 1865, one thousand eight hundred and sixty-five.
- Mynpoory, July 1st, 1870, one thousand eight hundred and seventy.
- Etawah, July 1st, 1871, one thousand eight hundred and seventy-one.
- Cawnpore, July 1st, 1870, one thousand eight hundred and seventy.
- Futtehpore, July 1st, 1870, one thousand eight hundred and seventy.
- Humeerpore, July 1st, 1872, one thousand eight hundred and seventy-two.
- Banda, July 1st, 1874, one thousand eight hundred and seventy-four.
- Allahabad, July 1st, 1869, one thousand eight hundred and sixty-nine.
- Goruckpore, July 1st, 1859, one thousand eight hundred and fifty-nine.
- Azimgurh, July 1st, 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said provinces, Mouzahs, standing transferred on the above date of May 1st, 1846, from districts or pergunnahs not permanently settled, to districts or pergunnahs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

III. Provided always, and it is hereby declared, that persons holding land on special grants, or on leases for longer periods than those specified in Section 1, shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement, he shall be at liberty to do so, provided that he give notice thereof in open court and in writing to the Collector and to the Commissioner of the Division, within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May 1846, for the period which may be applicable to his case according to Section 1, and subsequently from year to year till the settlement be revised, or in perpetuity according to Section 2.

VI. Provided, however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial towfeer or other land, which was not assessed at the time of settlement.

ACT No. IX. of 1846.

ACTS of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 5th December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for authorizing the Government of Fort St. George, to provide Regulations for the several Ports and Places of Anchorage within the Territories subject thereto.

WHEREAS Act IV. of 1842, intituled, "An Act for the better management of Boats and Catamarans in the Madras Roads, and for the Amendment of certain Harbour Regulations," has been found by experience to operate beneficially; and whereas it is expedient that regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all ports and other places of anchorage within the territories subject to the Government of the Presidency of Fort St. George:

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each port or other place of anchorage within the territories subject to the Government of the said Presidency, such Regulations for the management of boats and catamarans and such other matters as are provided for by the said Act IV. of 1842 in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation; and all such Regulations shall be submitted for confirmation or disallowance to the Governor-general of India in Council, and every such Regulation shall have the force of law after it shall have been confirmed by the Governor-general of India in Council.

ACT No. X. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 5th December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for regulating the Proceedings in certain cases of Distraint for Arrears of Rent.

I. It is hereby enacted, in modification of section 9, Regulation VII. of 1799, section 9, Regulation V. of 1800, and clause 2, section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within 15 days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed, with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always, and it is hereby enacted, that if the claimant shall not within the said 15 days institute such summary suit, it shall be lawful for the distrainer to recover the value of the property distrained, together with the expenses of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

ACTS of 1846.

ACT No. XI. of 1846.

Passed by the Honourable the President of the Council of India in Council, on the 12th of December 1846, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur, from the operation of the General Regulations.

WHEREAS it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency certain portions of the purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the province of Candeish and the Zillah Ahmednuggur :

I. It is hereby enacted, that from and after the 1st day of February 1847, so much of Appendix (A.) of Regulation XXIX. of 1827 of the Bombay Code, as declares the villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the province of Candeish and the Zillah Ahmednuggur), subject to the Regulations established for the administration of civil and criminal justice in the Bombay Presidency, be repealed.

II. And it is hereby enacted, that from and after the said day the administration of civil and criminal justice, the superintendence of the police and the collection and superintendence of the revenues of every description within the said portions of territory, shall vest in such agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said agent, with the aid of such assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the agent aforesaid, and of all the officers subordinate to his control and authority, and to determine to what extent the decision of the agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the agent in criminal trials, and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

IV. And it is hereby enacted, that upon the receipt of any criminal trials referred by the agent under the rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the agent, duly prepared under the rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts,

SCHEDULE.

SCHEDULE.

LIST of VILLAGES belonging to the Seven Mowass Chieftains in the Province of *Candeish*, comprehended in the Purgunnahs of *Nundoorbar*, *Soultanpour* and *Kookurmoondah*.

NAMES of CHIEFS.	INHABITED.	UNINHABITED.	NAMES of CHIEFS.	INHABITED.	UNINHABITED.
1. Gunput Sing Wulud Chundrusing, Rana of Boodhawul.	Dekatee. Hulalpoor. Boodhawulee. Khooshguvhan. Ashté. Khar. Mendwur. Jamleegoora. Walheree. Boodhawul. Lobabbanee. Somawul Boojrook. Muthawul. Shervée. Ekdhur. Relapara.	Nuwagaom. Somawul Khoord. Bho Bhat. Prutappoor. Nuwulpoor. Rajveera. Kullumbée Veeheer. Ghoghat. Ramgur. Pethapoor.	2. Oomed Wulud Luxoomun, Parvee of Katee— (continued).	Bumhune. Somkharee. Ras. Ghuttula. Mogra. Moolgee. Bhurkoond. Vele. Oomreeguvhan. Jamlee. Bhagrapan. Oomla. Raool K. Sendree. Kookreepadur. Kujanee. Honakhamb. Gulloté Boojrook. Nuwagaon. Gungapoor. Kewara Mohee.	
2. Oomed Wulud Luxoomun, Parvee of Katee.	Katee. Bhugduree. Wunwa. Jamna. Beer. Samur. Kujal. Velkhoodee. Mogreebar. Gorapeebar. Nulwunbara. Jagtee. Arootee. Kewuree. Chapree. Pandhreamatee. Pimpurkhoota. Soorgus. Beejulguvhan. Balaghat. Vehugee. Chunwace. Balkra. Gojeebara. Oghanee. Dunahee. Soorpanvavee. Suree. Kunkal. Koelee Veeheer. Sonachee Pardee. Kakurpara. Ghutwane. Rajmohee. Khutas Kharee. Khaee. Heerane. Dab. Duhel. Mooreera. Waree. Kudwalee. Gudwane. Bokharee. Polguvhan. Oomtee. Veree. Pimpurpan. Maheechamal. Mogree.	Khutkoowa. Bamhungaon. Gullotté Khoord. Akul Koowa. Horapara. Ankooshee Veeheer. Guvhane. Peotee. Mojra. Dhankbaree. Kotlee. Muhan. Dhobreepeeta. Tulow. Cheekhlee. Ghora Devee. Khoowa. Kolwee. Kolweechmal. Nendwun. Patpara. Kulmunda. Wurphullee. Bhutaree. Poke Khara.	3. Oomed Wulud Pa- cha, Parvee of Nal.	Goolyamba.	Nal. Veerpoor. Nuwagaon. Sane Veeheer. Jeeree Sawur. Tunuk Molee.
			4. Bickna Wulud Rala, Parvee of Singpoor.	Singpoor Boojrook. Singpoor Khoord.	Babhulpoor.
			6. Khatia Wulud Nana Wulwee, Bheel of Guvhallee.	Guvhallee. Bar. Pechreedo. Kakriamba. Hatwaryawur. Morkee. Nagur Motee. Rajkoora. Raisingpoora. Oodun. Bhereevoa.	Pandhreepara. Doduv. Lalpoor. Korkher. Khurkoond. Bukhtar. Pala. Bhooyuvao. Kakurkhore. Rajnee. Khoord Muhookharee. Koowurvao. Talamba. Wurkoond. Koomree. Khurgia Moramba. Boreeguvhan. Bhometee. Kalamba. Phoolwaree. Kelwun. Bhoee Kuruj. Dorkee. Jamwa.

ACTS OF THE

NAMES of CHIEFS.	INHABITED.	UNINHABITED.	NAMES of CHIEFS.	INHABITED.	UNINHABITED.
5. Khatia Wulud Nana Wulwee, Bheel of Guvhallee—continued.		Gotpara. Joojiv. Ookhulsar. Rajneebara. Ambabar. Boorkee Dokhee. Matha Koond. Gugriamba. Lalbhurdee. Joonatana. Moramba. Kadlee. Gondwun. Ghora. Mandara Khoord. Mandara Boojrook. Bhogwur. Goojee. Muhookharee Boojrook. Wajpoor. Talamba. Jamna. Shindguvhan. Kaniamba. Mograpana. Kulewurkhoord. Rampoora. Kuonda. Joonwun. Boogniamba. Sheengwun. Kaniamba. Kondwapara. Kanapara. Kotara. Pardee. Keoreebar. Bhooera. Guvhan. Koradevee.	5. Khatia Wulud Nana Wulwee, Bheel of Guvhallee—(continued).		Jamkhoot. Amleeguvhan. Mathamba. Matha Mogur. Mata Tana. Oodapoor.
			6. Koowur Wusawa Wulud Jeewa Wusawa, Bheel of Cheekhlee.	Cheekhlee. Jhreereebere. Pateepara. Chatoopara. Raneepoora. Khapur. Gungthé. Lugree. Jaolee. Kolee Wara. Pulas Wara. Ooman.	Jhapa Amlee. Khanora. Kokteepara. Khuyerpura. Chanpoor. Oomranee. Wurgaon. Chotee Ruralee. Bramhungaom. Kuvleeguvhan. Bholwur. Dhabra. Mendee. Kenwura. Khekwur. Dabreeamba. Augut. Rethee. Chapteepara. Rajneewar. Oomanee. Nuwagaon. Nucen Sevee. Nevree. Oomjia.
			7. Raja Wulud Veslia, Parvee.		Sojdan. Nuwulpoora.

ABSTRACT.

	NAMES OF CHIEFTAINS.	Inhabited.	Uninhabited.	TOTAL VILLAGES.
1.	Gunput Sing Wulud Chandru Sing, Rana of Bhoodawul -	16	10	26
2.	Oomed Wulud Luxoomun, Parvee of Katee - - - -	71	25	96
3.	Oomed Wulud Pacha, Parvee of Nal - - - -	1	6	7
4.	Bhickna Wulud Raila, Parvee of Singpoor - - - -	2	1	3
5.	Khatia Wulud Nana Wulwee, Bheel of Guvhallee - - -	11	70	81
6.	Koowar Wussawa Wulud Jeewa Wussawa, Bheel of Cheekhlee	12	25	37
7.	Raja Wulud Veslia, Parvee - - - - -	-	2	2
	TOTAL - - - -	113	139	252

INDEXES
TO THE
ACTS OF THE GOVERNMENT OF INDIA,
FOR 1845 AND 1846.

INDEX to the ACTS for 1845.
(Nos. I. to XXXII.)

A.	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Act No. XII. of 1841—3d and following Sections of, repealed. [See Lands]	I.	-	-	Bengal.
— No. XIV. 1836; I. 1838; VI. 1844. Schedules (A.) annexed to, amended	IX.	-	-	General.
— No. XV. 1844; repealed. [See Duties]	"	-	-	
— No. IV. of 1840, so much of Section IV. of, as provides for the period of complaint against forcible dispossession, repealed as far as regards complaints by Native officers and soldiers. [See Native Officers and Soldiers]	XV.	VI.	-	
— XXIX. of 1841; provisions of, modified	XVI.	-	-	Bengal and Madras.
— XXI. of 1844, Section VIII. of, as regards time of sailing of vessels with emigrants from Madras to Jamaica, British Guiana and Trinidad, repealed. [See Emigrants]	XXV.	-	-	Madras.
— No. IV. of 1840; extended to assistant magistrates. [See Assistant Magistrates]	XXVII.	-	-	
Adultery, how punishable	II.	I.	-	Bombay.
— who shall prosecute for the offence of	"	II.	-	
Agent for the suppression of Meriah Sacrifices. [See Meriah Sacrifices]	XXI.	-	-	Bengal and Madras.
Ale. [See Duties.]				
Appeal; courts of, may or may not call for security for costs from appellants	III.	-	-	- - Presidency of Fort William.
— conducted on behalf of Government; security no longer demandable from public officers in matters connected with. [See Security]	VIII.	-	-	Bombay.
Appeals dismissed under Act 29 of 1841, may hereafter be re-admitted in certain cases	XVI.	I.	-	Bengal and Madras.
— dismissed before the passing of this Act, and under the above Act, may be re-admitted in similar cases	"	II.	-	
— re-admitted under this Act, but again dismissed under Act 29 of 1841, shall not be re-admitted again	"	III.	-	
Arrack; licenses for the sale of, in Calcutta. [See License.]				
— manufacture of, by European process within the Madras Presidency. [See License.]				
Arrears of Revenue; Sale of lands for. [See Lands]	-	-	-	Bengal.
Articles of War; for the government of Native Officers and Soldiers in the military service of the Company, to have effect from 7th October 1845	XX.	-	-	General.
— preliminaries to be observed prior to enrolling a recruit in his regiment	"	I.	1.	
— dismissal of commissioned and non-commissioned officers and soldiers shall be subservient to whose orders	"	"	2.	
— certificate of discharge to be given to non-commissioned officers and soldiers	"	"	3.	
— penalty for non-commissioned officers or soldiers enlisting themselves in other regiments without a regular discharge	"	"	4.	

	ACTS.	SECTION.	ARTICLES.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; Enumeration of crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal -	XX.	II.		
committing mutiny or sedition -	"	"	5.	
using or offering violence against superior officers -	"	"	6.	
disobeying commands -	"	"	7.	
deserting the service -	"	"	8.	
sleeping while upon posts as sentries, or leaving them without being relieved, or without leave -	"	"	9.	
abandoning or delivering up any garrison, fortress, post or guard, or inducing others to do the same -	"	"	10.	
abuse of watchword -	"	"	11.	
corresponding with the enemy, or suppressing knowledge of such correspondence -	"	"	12.	
assisting or relieving the enemy with money, &c., or harbouring or protecting him -	"	"	13.	
allowing prisoners to escape -	"	"	14.	
misbehaving before the enemy or inducing others to do the same -	"	"	15.	
casting away arms or ammunition before the enemy -	"	"	16.	
leaving the commanding officer, or posts, colours or parties in time of action for plunder -	"	"	17.	
doing violence to persons bringing provisions or other necessaries to the camp or quarters, forcing safeguards, or breaking into any house or place for plunder, or plundering fields or gardens or other property -	"	"	18.	
raising false alarms in action, camp, garrison or quarters -	"	"	19.	
releasing or through carelessness suffering state prisoners to escape -	"	"	20.	
leaving posts without being relieved, or without leave, while employed as sentries over state prisoners, treasure, magazine or dock-yard :				
If an officer, how punishable.				
If a soldier, - ditto -	"	"	21.	
Crimes not punishable with Death or Transportation :				
Articles of War; officers or soldiers creating unnecessary alarm by spreading reports during operations in the field -	"	"	22.	
in or before actions creating alarm or despondency -	"	"	23.	
being drunk when on duty -	"	"	24.	
soldiers being grossly insubordinate or insolent in the ranks, or before a Court Martial :				
If an officer, how punishable.				
If a soldier, - ditto -	"	"	25.	
officers improperly behaving	"	"	26.	
officers or soldiers leaving their arrest or confinement before set at liberty	"	"	27.	
advising or conniving at desertion -	"	"	28.	
obtaining pensions or allowances by false statements or certificates, or by omitting true statements -	"	"	29.	
making false returns or reports of men under their commands, or of arms, ammunition, &c. -	"	"	30.	
malingering, feigning or intentionally producing disease or infirmity, delaying cures and aggravating diseases -	"	"	31.	

	ACTS.	SECTION.	ARTICLES.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; extorting while on the post or march - - - - -	XX.	II.	32.	
defiling places of worship and insulting religious prejudices of others -	"	"	33.	
plundering or injuring property soldiers when off duty carrying	"	"	34.	
any weapon - - - - -	"	"	35.	
selling, pawning, losing or injur- ing horse, arms, clothes, &c., &c.:	"	"		
If an officer, how punishable.				
If a soldier, - ditto - - - -	"	"	36.	
Crimes punishable with Fine or Loss of Pay, in addition to other Punishment:				
Articles of War; officers and soldiers embez- zling or misapplying any money, provisions, &c. entrusted to them, or spoiling such property, how punishable - - - -	"	"	37.	
soldiers maiming or injuring themselves or other soldiers - - -	"	"	38.	
purloining or selling Government stores - - - - -	"	"	39.	
stealing soldiers' or officers' money or goods - - - - -	"	"	40.	
embezzling or misapplying public money - - - - -	"	"	41.	
committing petty offences of a fraudulent nature - - - - -	"	"	42.	
guilty of any other disgraceful conduct, how punishable - - - -	"	"	43.	
Crimes not punishable with Corporal Punish- ment, or Imprisonment with Labour:				
Articles of War; officers or non-commissioned officers striking any soldier - - -	"	"	44.	
sentry sleeping upon his post in time of peace, or leaving it without being relieved - - - - -	"	"	45.	
officers or soldiers enlisting a deserter, or conniving at his enlistment -	"	"	46.	
requiring or accepting bribes for procuring leave of absence or promotion for any officer or soldier - - - -	"	"	47.	
not doing reparation for injuries complained of to them - - - - -	"	"	48.	
refusing to receive prisoners committed to their charge; releasing pri- soners without authority, or allowing them to escape - - - - -	"	"	49.	
quitting guards or picquets in time of peace without being relieved -	"	"	50.	
impeding the Provost Marshal or his assistants, or others exercising authority, or refusing assistance to them in the execution of their duty - -	"	"	51.	
not rejoining their regiments ordered on service, when on leave - -	"	"	52.	
occasioning false alarms in time of peace by discharge of fire-arms, &c. -	"	"	53.	
failing to repair to the parade for exercise - - - - -	"	"	54.	
quitting their company or troop or the parade without leave - - - -	"	"	55.	
absenting without leave, or with- out cause overstaying the period of leave -	"	"	56.	
soldiers found two miles from the camp contrary to orders - - - -	"	"	57.	
absenting from the cantonment after tattoo, or from camp after retreat beating - - - - -	"	"	58.	
selling, losing or wasting am- munition:				
If an officer, how punishable.				
If a soldier, - ditto - - - -	"	"	59.	

INDEX TO ACTS OF THE

	ACTS.	SECTION.	ARTICLES.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; all crimes not capital, and all disorders or neglects which officers or soldiers may be guilty of, though not specified in the above Articles, shall be cognizable by Courts Martial, and how punishable -	XX.	II.	60.	
persons amenable to these Articles when summoned before a Court Martial, not attending, or refusing to be sworn, or to make affirmation, or to answer any lawful question, or inducing others so to offend, how punishable -	"	"	61.	
persons not amenable to these Articles, who having been summoned upon any Court Martial shall offend as above, or be guilty of perjury, how to be dealt with	"	"	62.	
persons using menacing or disrespectful words, signs or gestures before a Court Martial, or disturbing its proceedings, how punishable -	"	"	63.	
persons guilty of giving false evidence before Courts Martial, how punishable -	"	"	64.	
offences admitting of less serious notice, triable by District or Garrison or Regimental Courts Martial, excepting mutiny offences, designated, "Disgraceful Conduct," and admitting of less serious notice, triable by Regimental Courts Martial -	"	"	65.	
offences committed on the line of march, or on board ship, how to be tried and punished -	"	"	66.	
officers or soldiers triable by Courts Martial should, by the issue of process, be put under arrest or confinement until tried or discharged -	"	III.	67.	
limitation of the periods of trial of the offender previous to the order directing the assembly of the Court Martial -	"	"	68.	
offenders may be tried at any place other than where the offence had been committed -	"	"	69.	
by whose order Courts Martial may be appointed, and vested with what powers -	"	"	70.	
a General Court Martial how to be constituted, and its sentence shall be subject to whose confirmation -	"	"	71.	
powers of a General Court Martial -	"	"	72.	
confirmation and commutation of sentence by the Commander-in-chief -	"	"	73.	
District or Garrison Court Martial how to be constituted, and its sentences by whom to be confirmed -	"	"	74.	
Commutation of Sentences of such Courts Martial:				
Articles of War; powers of a District or Garrison Court Martial -	"	"	75.	
a Regimental Court Martial how to be formed, and its order by whom to be confirmed -	"	"	76.	
powers of a Regimental Court Martial -	"	"	77.	
Regimental Detachment Court Martial how to be formed; what shall be its powers; and provisions relating to Regimental Courts Martial applicable to Detachments -	"	"	78.	
officer convening Courts Martial may instruct them to omit solitary confinement and corporal punishment in their sentences in particular cases -	"	"	79.	

	ACTS.	SECTION.	ARTICLES.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; execution of sentences of death by Courts Martial - - -	XX.	III.	80.	
sentences of transportation and imprisonment, how to be executed - -	"	"	81.	
Commander-in-chief may transport offenders sentenced to imprisonment for life - - -	"	"	82.	
persons sentenced to imprisonment may be imprisoned in any public prison - - -	"	"	83.	
soldiers who have undergone the punishment of imprisonment with hard labour shall not be re-admitted in the ranks or entitled to pension - - -	"	"	84.	
offenders sentenced to corporal punishment or imprisonment with hard labour shall be dismissed with ignominy -	"	"	85.	
finer or stoppages adjudged by a Court Martial, how to be recovered -	"	"	86.	
period and amount of forfeiture or stoppage limited - - -	"	"	"	
hours fixed for the Courts to sit	"	"	87.	
proceedings of General and Inferior Courts Martial to be conducted by officers of what standing - - -	"	"	88.	
an interpreter to be appointed to Courts Martial; and by whom - -	"	"	89.	
the senior officer shall preside, and how the Subadar Major and other Native officers shall rank; in the absence of the President, who shall preside -	"	"	90.	
revision of sentence - - -	"	"	91.	
votes of members and President, how to be regulated - - -	"	"	92.	
what majority required in cases of sentence of death - - -	"	"	93.	
forms of affirmation - - -	"	"	94.	
persons to be examined on oath according to their own religion; forms of affirmation for Hindoos and Mahomedans -	"	"	95.	
witnesses not amenable to these Articles how to be summoned - - -	"	"	96.	
powers and duties of Provost Marshal - - -	"	"	97.	
trials by European Courts Martial of persons claiming to be tried by such Courts - - -	"	"	98.	
effects of the dead, how to be secured - - -	"	IV.	99.	
if no heirs, how the effects are to be disposed of - - -	"	"	100.	
effects of deserters how to be disposed of - - -	"	V.	101.	
powers and provisions relating to the Commander-in-chief and to soldiers how to be construed - - -	"	"	102.	
troops of one Presidency serving within another, shall be subject to the order of the Commander-in-chief of the Presidency within which they may be serving, except when otherwise directed by the Governor-general - - -	"	"	103.	
commanding officers may summon Courts Martial for trying offenders belonging to the Company's Army serving out of Her Majesty's or the Company's territories, and of the States in alliance with the Company - - -	"	"	104.	
General Courts Martial only to try commissioned officers, or to pass sentence of death or transportation - -	"	"	105.	
persons not liable to be tried for the second time by the same or other Court Martial for the same offence; after a soldier has been found guilty his general character to be ascertained - - -	"	"	106.	

INDEX TO ACTS OF THE

	ACTS.	SECTION.	ARTICLES.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; non-commissioned officers shall be reduced to the ranks only by the sentence of a Court Martial, or by order of the Commander-in-chief - - - - -	XX.	V.	107.	
complaints of officers or soldiers against their superior or other officers, how to be dealt with - - - - -	"	"	108.	
light offences how punishable - - - - -	"	"	109.	
officers or soldiers taken prisoners by the enemy, how far entitled to arrears of pay and allowance on return - - - - -	"	"	110.	
mode of dealing with offences not military - - - - -	"	VI.	111.	
crimes triable by Courts Martial where no regular criminal tribunals exist - - - - -	"	"	112.	
General Courts Martial shall have cognizance ordinarily of what offences - - - - -	"	"	113.	
offences cognizable by District or Garrison Courts Martial - - - - -	"	"	114.	
Regimental, Detachment or Line Courts Martial shall have cognizance of what offences - - - - -	"	"	115.	
General Courts Martial shall punish murder with death - - - - -	"	"	116.	
what offences shall be punishable by transportation for life by the said Court - - - - -	"	"	117.	
Offences punishable by Imprisonment for 14 years by said Court; viz.				
Articles of War; house-breaking, robbery and stealing, with wounding - - - - -	"	"	118.	
wounding with intent to murder - - - - -	"	"	119.	
robbery or dacoity - - - - -	"	"	120.	
house-breaking between sunset and sunrise - - - - -	"	"	121.	
house-breaking and stealing - - - - -	"	"	122.	
purchasing or receiving stolen property - - - - -	"	"	123.	
Offences punishable by Imprisonment not exceeding Seven years by a General Court Martial:				
Articles of War; homicide - - - - -	"	"	124.	
premeditated affray, attended with homicide or severe wounding - - - - -	"	"	125.	
intentionally wounding or maiming - - - - -	"	"	126.	
accidentally wounding, or otherwise doing corporal injury to one person with the intention of injury to another - - - - -	"	"	127.	
house-breaking between sunrise and sunset - - - - -	"	"	128.	
stealing property exceeding the value of 300 rupees - - - - -	"	"	129.	
purchasing stolen property exceeding the above amount - - - - -	"	"	130.	
arson - - - - -	"	"	131.	
unnatural crime - - - - -	"	"	132.	
rape - - - - -	"	"	133.	
enticing for unlawful purposes - - - - -	"	"	134.	
unmarried women under 15 years - - - - -	"	"	135.	
stealing children under 8 years - - - - -	"	"		
DISTRICT, OR GARRISON COURT MARTIAL.				
Offences punishable by Imprisonment not exceeding Three years:				
Articles of War; offenders, not being commissioned officers, how punishable for offences as in the above Articles not punishable with death, imprisonment or transportation for life - - - - -	"	"	136.	

	ACTS.	SECTION.	ARTICLES.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; officers or soldiers convicted of stealing any property of value not exceeding 300 rupees, but exceeding 50 rupees -	XX.	VI.	137.	
receiving stolen property not exceeding 300 rupees -	"	"	138.	
keeping in possession stolen property, knowing it to have been stolen -	"	"	139.	
REGIMENTAL, DETACHMENT OR LINE COURTS MARTIAL:				
Articles of War; offenders not being commissioned officers, how punishable for offences specified in the above Articles, which are not punishable with imprisonment exceeding three years -	"	"	140.	
stealing property of the value of 50 rupees or less, how punishable -	"	"	141.	
assault or affray unattended with homicide; severe wounding or aggravating circumstances, how punishable -	"	"	142.	
resisting process of a magistrate -	"	"	143.	
offending against person or property not provided for in the above Articles, how punishable -	"	"	144.	
aiding and abetting the commission of the above offences, how punishable -	"	"	145.	
sentence of death not to be carried into execution until confirmed by the Commander-in-chief, and concurred in by the Government -	"	"	146.	
Commander-in-chief may confirm, remit or commute any sentence of death -	"	"	147.	
sentence of transportation not to be carried into effect until confirmed by the Commander-in-chief, who may commute it into imprisonment -	"	"	148.	
competent officers may confirm, remit or mitigate any sentence -	"	"	149.	
sentence of imprisonment with hard labour and award of discharge substituted for other punishment, not to be carried into effect without the sanction of the officer commanding the division or field force, or district or division -	"	"	150.	
offenders tried by a Court Martial shall not be tried for the same offence in any other Court; persons acquitted or convicted by a civil court may be cashiered or dismissed -	"	"	151.	
Regulations concerning the powers of certain officers, and the constitution of Panchayets or Courts Martial to continue in force -	"	"	152.	
application of the Articles -	"	VII.	153.	
promulgation of the same -	"	"	154.	
Assam Company; names of persons forming the body corporate for the manufacture of tea, &c., in Assam, and other north eastern parts of India -	XIX.	I.	-	Bengal.
may prosecute and extend the cultivation of tea plants, and exercise certain powers for that purpose; other articles of the nature indicated may also be cultivated, except opium, coffee or sugar -	"	II.		
what shall be the capital, and how far it can be increased -	"	III.		
raising loans restricted to a certain extent -	"	IV.		
right of property heretofore enjoyed by the society now vested in -	"	V.		
may make and alter bye-laws, rules and regulations for the government of affairs; present Deed of Association of the Company to continue in force until altered -	"	VI.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Assam Company; proceedings of meetings held heretofore legalized - - -	XIX.	VII.		
General meetings where and how often to be held, and scale of votes to which the proprietors shall be entitled - -	"	VIII.		
accounts to be produced before such periodical meetings - - -	"	IX.		
payments already made for shares confirmed - - -	"	X.		
certificates to be granted to shareholders of their respective shares, which shall be negotiable - - -	"	XI.		
shares to be deemed as personal estates - - -	"	XII.		
unpaid amount of shares, how to be realized - - -	"	XIII.		
penalty for non-payment of instalments - - -	"	XIV.		
shall have the benefit of, and be bound by the acts of the provisional committee, or the partnership association heretofore done, and sue and be sued thereon -	"	XV.		
copies of original deed of settlement, rules, orders, bye-laws, &c., to be kept in the office of the Company, and deposited in the Prothonotary's office, and the production of the same duly certified shall be sufficient evidence in cases tried in any court - - -	"	XVI.		
entry of names of Directors and officers of the Company where to be kept - - -	"	XVII.		
entry of names of the proprietors, with certain particulars, how and where to be kept - - -	"	XVIII.		
shall sue and be sued in the name of the Company - - -	"	XIX.		
service of process and notice of proceedings may be made and given to the secretary - - -	"	XX.		
Act how long to continue in force - - -	"	XXI.		
Assessments. [See Municipal Fund.]				
Assistant Magistrates vested with special powers may decide cases under Act IV. of 1840 -	XXVII.	I.	- -	- - Presidency of Fort William.
Magistrates may recall any depending cases, and determine themselves in the first instance - - -	"	II.		
Attachment of pension of soldiers and others by process. [See Pensions.]				
Attorneys, admission of, into the Supreme Court at Bombay. [See Supreme Court] - -	XIII.	- -	- -	Bombay.
B.				
Bank. [See Union.]				
Beer. [See Duties.]				
British Guiana, Emigrants to. [See Emigrants.]				
C.				
Canals; the Lieutenant-governor may apply the provisions of this Act to any; for regulating the levy of water-rent, tolls and dues thereof - - -	VII.	I.	- -	- - North Western Provinces.
he may make rules for the above objects, both as regards navigation and irrigation -	"	II.		
acts done contrary to such rules, how punishable - - -	"	III.		
payment of balances of water-rent for lands irrigated, how to be enforced -	"	IV.		
obstructions and damages to the same shall be liable to penalties - - -	"	V.		
offending against the Act, or the rules passed under it, how punishable - -	"	VI.		
payment of toll, how to be enforced if refused - - -	"	VII.		
the Lieutenant-governor may appoint an officer for collecting the rent, toll and dues, and with what powers - - -	"	VIII.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Commissions of the Peace, how and by whom to be issued ; to persons to act as justices of the peace not named in the general commission last issued - - - - -	VI.	-	-	General.
Compensation to injured parties; awarding fines in. [See Fines] - - - - -	-	-	-	Madras.
Conservancy. [See Municipal Funds] - - - - -	-	-	-	Bombay.
Convicts, under sentence of imprisonment or transportation for life, not within the jurisdiction of Supreme Courts or Straits Settlements, committing acts with the intention of causing the death of any person, how to be punished hereafter - - - - -	XVIII.	I.	-	General.
— such committing any other offence, how to be punished - - - - -	"	II.	-	
Costs, security for, in cases of appeals. [See Appeals.] - - - - -	-	-	-	
— security for, from public officers in cases of appeals conducted on behalf of Government. [See Security.] - - - - -	-	-	-	Bombay.
Cotton piece-goods and twist. See Duties.] - - - - -	-	-	-	
County funds. [See Municipal Funds.] - - - - -	-	-	-	Bombay.
Court for the trial of persons in the pilot service. [See Pilots.] - - - - -	-	-	-	
Courts, Company's, may issue warrants for the apprehension of defendants on failure to serve summons in criminal cases. [See Warrants.] - - - - -	-	-	-	
Courts Martial, held on Native officers and soldiers. [See Articles of War.] - - - - -	-	-	-	
Criminal business, despatch of, facilitated in the Supreme Court at Madras. [See Supreme Court.] - - - - -	-	-	-	
Cuttack, Tributary Mehals in. [See Meriah Sacrifices.] - - - - -	-	-	-	
Cyder. [See Duties.] - - - - -	-	-	-	
D.				
Deeds, registration of. [See Registry.] - - - - -	-	-	-	
Defendants; warrants may be issued to; by Company's Courts in criminal cases on failure of service of summons. [See Summons] - - - - -	X.	-	-	
Distilleries for the manufacture of spirituous liquors within the Madras Presidency. [See Licenses.] - - - - -	-	-	-	
Duties on marine stores; metals, woollens, cotton and silk piece-goods, cotton twist and yarn; wines and liqueurs, spirits and all manufactured articles not mentioned in Schedules (A.) in Acts XIV. 1836, I. 1838, and VI. of 1844, how to be levied hereafter - - - - -	IX.	I.	-	General.
— provisions of the above Acts having reference to the said Schedules now repealed, shall have reference to Schedule (A.) annexed to this Act - - - - -	"	II.	-	
— Act XV. of 1844 repealed - - - - -	"	III.	-	
E.				
Emigrants, time for vessels carrying, from Madras to Jamaica, British Guiana and Trinidad, regulated for the future - - - - -	XXV.	II.	-	Madras.
Estates, sale of, for arrears of revenue. [See Lands.] - - - - -	-	-	-	
F.				
Fines may be awarded by Session Judges within the Madras Presidency in compensation to injured parties - - - - -	XXX.	-	-	Madras.

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
G.				
Ganjam. [See Meriah Sacrifices.]				
Governor-general, powers of the, during his absence from the Council of India on a visit to the North Western Provinces -	XXII.	I.	- -	General.
Act when to commence operation - - - - -	"	II.		
H.				
Hindoo law officers. [See Law Officers.]				
I.				
Import duties, on certain goods imported by sea. [See Duties.] - - - - -	- -	- -	- -	General.
Imprisonment for life, convicts under sentence of, committing offences how to be punished. [See Convicts.]				
Invalid officers, pensions of. [See Pensions.]				
Irrigation of lands by canals in the North Western Provinces, rules relating to. [See Canals.]				
J.				
Jamaica, emigrants to. [See Emigrants.]				
Joint Judges may be appointed in any zillah within the Bombay Presidency for facilitating the transaction of civil business; their powers defined - - - - -	XXIX.	I.	- -	Bombay.
shall be guided by what rules and regulations - - - - -	"	II.		
oath of office, how to be taken - - - - -	"	III.		
seal to be the same as is used by the judge - - - - -	"	IV.		
joint session judges may be appointed in any zillah for facilitating the transaction of criminal business; their powers defined - - - - -	"	V.		
shall be guided by what rules and regulations - - - - -	"	VI.		
oath of office, how to be taken - - - - -	"	VII.		
seal to be the same as is used by the session judges - - - - -	"	VIII.		
Judges, Joint, under the Bombay Presidency. [See Joint Judges.]				
L.				
Labourers. [See Emigrants.]				
Lands, law relating to sale of, for arrears of revenue, amended. [See Acts.] - - -	I.	I.	- -	- - Bengal, Behar, Orissa, and Benares.
definition of an arrear - - - - -	"	II.		
dates for the payment of arrears in permanently settled districts to be fixed by the Sudder Board, and how notified - - -	"	III.		
not in permanently settled districts, and in the Benares province not saleable without the Board's previous sanction - - -	"	IV.		
notice of fifteen clear days preceding the date fixed for the payment of arrears of certain descriptions necessary before the estates are brought to sale - - - - -	"	V.		
after the latest fixed day of payment, estates to be notified for sale with what particulars and for what period; tender of payment after the latest date of payment not to bar sales - - - - -	"	VI.		
after notification, a proclamation to be affixed at certain conspicuous places forbidding the ryots and under-tenants to pay rent to the defaulting proprietor after the last date of payment - - - - -	"	VII.		
no claim to abatement or remission of revenue, except as mentioned, nor any demand against Government, shall bar or render a sale voidable - - - - -	"	VIII.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Lands; parties other than proprietors may deposit the amount of the arrear before sunset of the latest date of payment; if the party be a plaintiff in a suit, he may be put in temporary possession of the estate; deposits made for the protection of one's own interest, how to be reimbursed -	I.	IX.		
— estates under what circumstances exempted from sale for arrears -	"	X.		
— Collectors and Commissioners of Revenue may exempt estates from sale, the reasons being duly recorded -	"	XI.		
— sales where to be held -	"	XII.		
— sales may be adjourned till another day, owing to the Collector's sickness or any other causes -	"	XIII.		
— sales to be held in regular order with reference to the number of the estates as on the Towjee, except in cases mentioned -	"	XIV.		
— purchasers of estates to make deposits immediately, and to what extent -	"	XV.		
— full amount of purchase-money to be paid within 30 days; in default the deposit to be forfeited; the estate re-sold, and the difference, if any, how to be levied; payment of arrears by the proprietor before sunset of the day preceding the day of re-sale shall bar such re-sale -	"	XVI.		
— Commissioners of Revenue may on appeal annul sales if held contrary to this Act, the purchaser being compensated by the proprietor -	"	XVII.		
— local government may annul sales at the recommendation of Sudder Board and Commissioner -	"	XVIII.		
— sales when to be final -	"	XIX.		
— a certificate of title to be given to the purchaser in the form prescribed, the transfer how to be proclaimed, and the proceeds how disposed of -	"	XX.		
— plea of Benamee purchase inadmissible -	"	XXI.		
— annulment of sales how to be notified; deposit and balance of purchase-money how to be refunded -	"	XXII.		
— purchasers liable for instalments falling due after the latest day of payment -	"	XXIII.		
— grounds and conditions on which a civil court may reverse a sale; personal actions for damages allowed in what cases -	"	XXIV.		
— on reversal of sale by a court of justice, the purchase-money to be refunded with interest -	"	XXV.		
— purchasers of permanently settled estates in Bengal, Behar, Orissa and Benares, shall acquire them free from incumbrances imposed after settlement, enhance rents of under tenures with certain exceptions -	"	XXVI.		
— purchasers of estates in other than permanently settled districts shall acquire them free from incumbrances imposed after settlement, and annul under tenures and agreements with ryots with certain exceptions -	"	XXVII.		
— local government may reserve all under tenures at the sale of estates, cancel such sale if found detrimental to the interest of Government before it is final, and resell the estate without the reservation -	"	XXVIII.		
— purchase by a proprietor or co-partner of estates in his own or in the name of others, shall be subject to all incumbrances and conditions which existed previous to the sale -	"	XXIX.		
— arrears of rent due to the defaulter how recoverable by him after sale -	"	XXX.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OR THE ACTS.
Lands; contempt to the Collector at the sale how punishable; appeals in such case where to lie - - - - -	I.	XXXI.		
— default to make good a bid shall be a contempt - - - - -	"	XXXII.		
— Act to affect what provinces - - - - -	"	XXXIII.		
Law Officers; persons passing an examination in the prescribed form shall be eligible to the appointment of Mahomedan and Hindoo. [See Regulations.] - - - - -	V.	II.	- -	- - Presidency of Fort William.
Licenses; Government of Bengal may vest any person with the powers of granting or with- holding, for the sale of arrack or liquors in Calcutta - - - - -	XXVI.	I.	- -	Calcutta.
— Government of Bengal may always regu- late the form of - - - - -	"	II.		
— officer granting, may demand fees, taxes and duties, as fixed under sanction of Go- vernment - - - - -	"	III.		
— in case of non-payment of the same the officer may withhold or recall the licenses; penalty for selling whilst the licenses are withheld or recalled - - - - -	"	IV.		
— for the manufacture of spirituous liquors; Regulation I. of 1820, of the Madras Code, relating to, modified - - - - -	XXXII.	I.	- -	Madras.
— granted under section 4, Regulation I. of 1820, for the establishment of distil- leries, how to be prepared hereafter, and shall contain what stipulations - - - - -	"	II.		
— penalties for the breach of the stipula- tions - - - - -	"	III.		
— offences specified in Regulation I. of 1820, to be subject to the penalties therein provided; European British subjects ex- empted from hard labour when imprisoned under sentence passed under the Regula- tion; fines, how recoverable - - - - -	"	IV.		
— British subjects to be imprisoned in the Madras gaol - - - - -	"	V.		
— such prisoners how to be received by the gaoler - - - - -	"	VI.		
Liquors. [See Duties.]				
— licenses for the sale of, in Calcutta. [See Licenses.]				
— spirituous, manufacture of, by European process within the Madras Presidency. [See Licenses.]				
Liqueurs. [See Duties.]				
M.				
Mahomedan Law Officers. [See Law Officers.]				
Magistrates, Assistant; deciding cases under Act IV. of 1840. [See Assistant Magis- trates.]				
Manufactured Articles. [See Duties.]				
Marine Stores. [See Duties.]				
Meriah Sacrifices; estates in the tributary Mehals in Cuttack placed under the juris- diction and superintendence of the agent for the suppression of, and his subordi- nates - - - - -	XXI.	I.	- -	- - Bengal and Madras.
— portions of the country com- prising the South-western Frontier Agency, may be placed under the Superintendent for the suppression of - - - - -	"	II.		
— portions of the country speci- fied in section II. Act XXIV. of 1839, and heretofore under the control of the Col- lectors of Ganjam or Vizagapatam, may be placed under the agent for the suppres- sion of - - - - -	"	III.		
— any portion of zillah Rajah- mundry may be placed under the jurisdic- tion of said officer - - - - -	"	IV.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Meriah Sacrifices; agents and their subordinates appointed under this Act, to be guided by what authority - - - - -	XXI.	V.		
Governor-General in Council may prescribe rules for the guidance of the agents and subordinates in civil and criminal matters - - - - -	"	VI.		
Military Service; Native officers and soldiers in the. [See Articles of War.]	"	*		
Moonsiffs may hereafter retain Nazirs, to whom Clause 8, Section 14, Regulation XXVI. of 1814 shall be applicable. [See Regulations.]	XIV.	II.		
how to enforce the attendance of witnesses in their Courts. [See Witnesses.]				
Municipal Funds; persons paying tax for houses, buildings, grounds, shops, stalls, carriages, carts or horses, required to furnish returns of annual value thereof; non-delivery of them and false returns how punishable -	XI.	III.	- -	Bombay and Colaba.
houses or buildings assessed how to be identified - - - - -	"	IV.		
Collector of land revenue shall make a quarterly assessment on shops and stalls - - - - -	"	V.	I.	
assessments how to be collected by the Collector - - - - -	"	"	II.	
tax to be collected quarterly under the Collector's receipt - - - - -	"	"	III.	
religious edifices, and what other buildings exempted from assessment -	"	VI.		
monies collected, under what heads and authorities disposable under this Act - - - - -	"	VII.		
exemption of certain collections from the purposes of this Act - - - -	"	VIII.		
sums of money paid out of the county fund under Act XXVIII. of 1839, henceforth to be paid out of the - -	"	IX.		
monies collected under Section VII. of this Act to form the, and to be placed under whose control; a Board of Conservancy for administering the funds, how to be formed - - - - -	"	X.		
what amounts to be allotted for the general police expenses throughout Bombay and Colaba Islands - - - -	"	XI.		
balance, how to be appropriated by the Board - - - - -	"	XII.		
Board may construct certain new public works with the sanction of Government - - - - -	"	XIII.		
Board may appoint officers required for the purposes of this Act - -	"	XIV.		
amount of fines payable to the, how to be ascertained - - - - -	"	XV.		
sums under authority of chapter 4, Regulation XIX. of 1827, how to be collected hereafter - - - - -	"	XVI.		
receipts and disbursements, how to be accounted for by the Board - -	"	XVII.		
Conservancy Board may refer to Government any measures rejected by the body appointed for the control of the -	"	XVIII.		
shall hereafter comprehend the "Police Fund," "County Fund" and "Assessment Fund" - - - - -	"	XIX.		
fines under this Act, how to be recovered - - - - -	"	XX.		
N.				
Native Officers and Soldiers; Regulation XV. of 1816 of the Bengal Code, relating to certain privileges of, declared to be still in force - - - - -	XV.	I.	- -	General.

INDEX TO ACTS OF THE

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Native Officers and Soldiers; extending the above law to the Bombay Presidency, that for Madras being already the same in substance -	XV.	II.		
Company's Courts shall receive plaints from, upon unstamped paper, in original suits -	"	III.		
value of stamp to be charged in the decree to the party cast, or to the parties respectively -	"	IV.		
penalty for instituting suits in which the, are not <i>bond fide</i> interested, or not interested to the extent alleged -	"	V.		
so much of Section 4, Act IV. of 1840, as provides for the period of complaints against forcible dispossession of lands, &c., repealed, as far as regards Native officers and soldiers -	"	VI.		
period of complaint by, after dispossession, left to the discretion of the magistrate -	"	VII.		
Articles of War for the government of. [See Articles of War.]				
Navigation on Canals in the N. W. P. [See Canals.]				
Nazirs in the Moonsiffs' Courts. [See Moonsiffs and Regulations.]				
O.				
Officers, Native; Articles of War for the government of. [See Articles of War.]				
Officers of the Pilot Service. [See Pilots.]				
Orissa Hill Tracts. [See Meriah Sacrifices.]				
P.				
Pensions of invalid officers, soldiers and retainers of the Bombay Army, and any public servants, exempted from attachment by process of Courts for demands against the pensioners -	XXXI.	I.	- -	Bombay.
assignments of, declared null and void, except as mentioned -	"	II.		
Pilots, how to be tried for breach of duty -	XXIV.	I.	- -	Bengal.
President of the Court for the trial of, how to be appointed -	"	II.		
the Court, how to be composed, and by whom to be convened -	"	III.		
place of President, how to be supplied in case of absence -	"	IV.		
attendance of persons appointed to the Court, how to be enforced, and under what penalty -	"	V.		
proceedings, by whom to be conducted on behalf of Government -	"	VI.		
Judge Advocate may summon witnesses; provision made for examination of persons about to depart from Calcutta -	"	VII.		
witnesses protected from arrest; penalty for non-attendance of witnesses -	"	VIII.		
members of the Court, how and by whom to be sworn -	"	IX.		
Judge Advocate, the same -	"	X.		
witnesses may be sworn by oath or solemn declaration -	"	XI.		
perjury, how punishable -	"	XII.		
found guilty of breach of duty, how to be punished -	"	XIII.		
breach of duty punishable under the Penal Code of 21st December 1826, how to be dealt with -	"	XIV.		
the Penal Code to continue in force as regards the breach of duty therein specified -	"	XV.		
Superintendent of Marine may summarily decide cases as before -	"	XVI.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Pilots; on the completion of the trial, proceedings to be forwarded to the superintendent, who may send them back for revision -	XXIV.	XVII.		
— sentences of the Court shall be subject to confirmation of the Government of Bengal, who may remit or mitigate the same -	"	XVIII.		
— Superintendent of Marine may frame rules for conducting proceedings of the said Court, and for giving effect to the above provisions -	"	XIX.		
Plaints may be filed by Native officers and soldiers on unstamped paper. [See Native Officers and Soldiers.]				
Police Funds. [See Municipal Funds] -	-	-	-	- - Bombay and Colaba.
Porter. [See Duties.]				
Privileges of Native officers and soldiers in legal matters. [See Native Officers.]				
Public Servants, Pensions of. [See Pensions.]				
R.				
Rajahmundry. [See Meriah Sacrifices.]				
Register, duties of, to the Sudder Dewanny and Foujdarry Adawlut, may be performed by the uncovenanted assistant register thereof -	XII.	-	-	Bombay.
Registry, deeds may be registered in the office of, in any district -	IV.	I.	-	- - Presidency of Fort William.
— how shall the register act when the whole of the property is not situated in his district -	"	II.		
— party registering shall be liable to pay the fee for the copies transmitted by the register to any other office of -	"	III.		
— memorial of a deed registered in any district to be held sufficient -	"	IV.		
Regulation XI. 1826, Section 5, of, Bengal Code, repealed. [See Law Officers] -	V.	I.	-	- - Presidency of Fort William.
— IV. of 1827, Section 75, Chapter XVII. of, Bombay Code, amended -	VIII.	-	-	Bombay.
— XIX. of 1827, Sections 16, 27 and 28, Chapter III. of, Bombay Code, repealed -	XI.	I.	-	Bombay.
— VII. of 1832, Bengal Code, so much of Clause 4, Section 5, of, as provides for the performance of the duties of Nazirs of Moonsiffs' Courts by the Moonsiffs themselves, and the levy of tullu-bannah in those Courts, repealed. [See Moonsiffs] -	XIV.	I.	-	- - Presidency of Fort William.
— XXVI. of 1814, Bengal Code, Clause 8, Section 14, of, shall be applicable to Nazirs in the Moonsiffs' Courts -	"	II.		
— XV. of 1816, of the Bengal Code, declared to be still in force and made applicable to the Bombay Army -	XV.	I.	-	General.
— XXIII. of 1814, Clauses 1 and 2, Section 31, and Clause 1, Section 32, of, Bengal Code, repealed -	XVII.	"	-	Bengal.
— IX. of 1816, Clause 2, Section XXXIX. of Madras Code, extended to Sessions Judges within the Madras Presidency as regards awarding fines in compensation to injured parties -	XXX.	-	-	Madras.
— I. of 1820, of the Madras Code, modified -	XXXII.	-	-	Madras.
— Clauses 2 and 3, Section IV. of the above Regulation, repealed. [See Licenses]	"	I.	-	Madras.
Revenue, sale of lands for arrears of. [See Lands.]				
Rum manufactured by European process within the Madras Presidency. [See Licenses.]				
S.				
Sacrifice, Human. [See Meriah.]				
Sale of lands for arrears of revenue. [See Lands.]				

INDEX TO ACTS OF THE

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Security for costs in cases of appeals. [See Appeal.]				
Security no longer demandable from public officers for costs or performance of orders of civil courts in appeals conducted on behalf of Government - - - - -	VIII.	- - -	- - -	Bombay.
Sessions Judges, Joint, under the Bombay Presidency. [See Joint Session Judges.]				
Sessions Judges within the Madras Presidency may award fines in compensation to injured parties - - - - -	XXX.	- - -	- - -	Madras.
Silk piece-goods. [See Duties.]				
Soldiers, Native, privileges of, in Judicial and Revenue proceedings. [See Native Officers and Soldiers.]				
Articles of War for the government of. [See Native Officers and Soldiers.]				
Pensions of. [See Pensions.]				
South-west Frontier of Bengal. [See Meriah Sacrifices.]				
Spirits. [See Duties.]				
Spirituous Liquors; licenses for the manufacture of, by European process. [See Licenses]	- - -	- - -	- - -	Madras.
Licenses for the sale of. [See Licenses]	- - -	- - -	- - -	Calcutta.
Stamp paper not required in legal matters in which a Native officer or soldier is a plaintiff. [See Native Officers and Soldiers.]				
Statutes, Section 158 of 33 George 3d, Chapter 52, extended over the Islands of Bombay and Colaba - - - - -	XI.	II.	- - -	Bombay.
Sudder Dewanny and Sudder Foujdarry Adawlut may assign their register's duties to their uncovenanted assistant register. [See Uncovenanted]	XII.	- - -	- - -	Bombay.
Summons, on failure to serve, warrants may be issued by the Company's Courts to defendants in criminal cases. [See Warrants.]				
Supreme Court, the power of, in admitting attorneys, extended. [See Attorneys]	XIII.	- - -	- - -	Bombay.
at Madras, any one of the Judges of the, may sit apart from the other Judges for the despatch of criminal business at the same time when the other Judges shall be sitting - - - - -	XXVIII.	I.	- - -	Madras.
may transact out of term all business which the Court may have power to transact in term - - - - -	"	II.	- - -	
T.				
Tax. [See Municipal Funds.]				
Tea, cultivation and manufacture of, in Assam. [See Assam Company.]				
Term, Supreme Court at Madras may transact business out of, which it may have power to transact in term. [See Supreme Court.]				
Thread, Cotton. [See Duties.]				
Tolls on certain Canals in the North-western Provinces. [See Canals.]				
Transportation for life, convicts under sentence of, how to be punished for committing offences. [See Convicts.]				
Tributary Mehals in Cuttack. [See Meriah Sacrifices.]				
Trinidad, Emigrants to. [See Emigrants.]				
Tullubana in Moonsiffs' Courts. [See Moonsiffs.]				
U.				
Uncovenanted assistant register to the Sudder Dewanny and Foujdarry Adawlut, may perform the duties of the register - - -	XII.	- - -	- - -	Bombay.
Union Bank of Calcutta; the secretary and treasurer of the, to sue and be sued for and on behalf of the Bank - - - - -	XXIII.	I.	- - -	Calcutta.

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Union Bank of Calcutta; criminal proceedings may be carried on in the name of the Secretary or Treasurer for the time being	XXIII.	II.		
members or shareholders may proceed against the	"	III.		
may proceed against its members or shareholders	"	IV.		
Schedules of names of Directors, Secretary, Treasurer and Proprietors, to be deposited in the Supreme Court, and the same to be done on all occasions of changes	"	V.		
no actions can be brought by the, until a schedule to the foregoing effect shall have been deposited, and until a memorial of the names of Directors, &c., retiring from the Bank is deposited, they shall continue to be liable to action	"	VI.		
a memorial certified by Keeper of Records and Muniments shall be received in evidence	"	VII.		
decrees against the Secretary or Treasurer to have the same effect upon the property of the Bank as against the members	"	VIII.		
what course to be taken if the decree against the Secretary or Treasurer be ineffectual for obtaining the full payment in satisfaction thereof	"	IX.		
what course a member shall take for reimbursing himself when executions may be issued against him	"	X.		
Secretary or Treasurer may be witness in proceedings instituted by or against the Bank	"	XI.		
retired members who have parted with their shares may claim in court any dividends which may be due to them, and the Secretary and Treasurer may take the same course for any claim which the Bank may have against them	"	XII.		
persons restricted to one suit against the Bank when the same is pleadable in bar, and any suit for demands due to the Bank may be pleaded in bar of any other action for the same demand	"	XIII.		
responsibility and obligations of the Bank to continue as before	"	XIV.		
application of the Act	"	XV.		
Schedule	"	"		
V.				
Vizagapatam. [See Meriah Sacrifices.]				
W.				
War, Articles of. [See Articles.]				
Warrants may be issued by Company's Courts for the apprehension of defendants in criminal cases on proof of failure to serve summons. [See Summons]	X.			
Wines. [See Duties.]				
Witnesses; attendance of, not within the local jurisdiction of moonsiffs, how to be enforced by them	XVII.	II.		- - Presidency of Fort William.
moonsiffs vested with the powers of judges for enforcing the attendance of; moonsiff's orders under this Act appealable to the judge	"	III.		
Woollens. [See Duties.]				
Y.				
Yarn, cotton. [See Duties.]				

INDEX to the ACTS for 1846.

(Nos. I. to XI.)

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
A.				
Act XIII. of 1838, repealed. [See Pleadings] -	I.	I.	- -	General.
Administration of the Bhuttee Territory. [See Bhuttee.]				
Agra. [See Settlements.]				
Ahmednuggur; certain portion of the territory in the zillah of, exempted from the operation of Regulations. [See Nundoorbar.]				
Allahabad. [See Settlements.]				
Allyghur. [See Settlements.]				
Arrears of rent; under what engagements property distrained for, may be restored to parties claiming the same - - -	X.	I.	- -	Bengal.
----- in default, how the distrainer shall recover the value of the property distrained - - - - -	"	II.		
----- summary award of Collectors in such cases not to be set aside by a suit filed after a certain period. [See Regulations]	"	III.		
Attachment of lands in execution of decrees and other process of civil courts. [See Sale.]				
Azinghur. [See Settlements.]				
B.				
Banda. [See Settlements.]				
Bareilly. [See Settlements.]				
Barristers of Her Majesty's Courts in India, may plead in Sudder Courts. [See Pleadings]	I.	V.	- -	General.
Bhuttee Territory; the judicial and revenue administration of, vested in an agent and assistant to be appointed by the Governor-general in Council - - - - -	VI.	II.	- -	- - North Western Provinces.
----- rules to be prescribed for that purpose by the Governor-general in Council	"	III.		
----- Nizamut Adawlut shall pass final judgment on criminal trials referred by the agent - - - - -	"	IV.		
----- Sudder Dewanny Adawlut shall decide appeals from the decree of the agent - - - - -	"	V.		
Bijnour. [See Settlements.]				
Boats and Catamarans; the Governor in Council of Madras may make Regulations similar in principle to that of Act IV. of 1842, for all ports and other places of anchorage respecting - - - - -	IX.	- -	- -	Madras.
Boolundshahur. [See Settlements.]				
Boundaries of fields, how to be marked for distinguishing their limits - - - - -	III.	I.	- -	Bombay.
----- requisition for erecting such marks how to be served - - - - -	"	II.		
----- owners or occupants failing to comply with the requisition, how and by whom its object is to be accomplished - - - - -	"	III.		
----- claims of persons out of possession of fields, the cost of the boundary marks of which has been charged to the revenue of the village for a right of ownership, shall not be allowed until they shall have made good such charges - - - - -	"	IV.		
----- penalty for removing or injuring such marks - - - - -	"	V.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Boundaries of fields; authority for the assessment and realization of costs or penalties in whom to be vested, and the same how to be exercised - - - - -	III.	VI.		
----- form of requisition - - - - -	"			
Budaon. [See Settlements.]				
C.				
Candeish; certain portion of the territory in the province of, exempted from the operation of general Regulations. [See Nundoorbar.]				
Catamarans. [See Boats.]				
Cawnpore. [See Settlements.]				
Cotton Wool unscrewed may be exported free of duty from any subordinate port of the Bombay Presidency to the port of Bombay, and from any Madras port which may be exempted from duty - - - - -	II.	I.	- -	- - Bombay and Madras.
----- may be imported into Bombay from any part of the continent of India free of duty - - - - -	"	II.		
D.				
Decrees, execution of, upon lands. [See Sale.]				
Delhi. [See Settlements.]				
Diet Money for witnesses in petty cases may be regulated by the magistrates - - -	VII.	- -	- -	- - Bengal and North Western Provinces.
Distrain of property for arrears of rent. [See Arrears.]				
E.				
Estates attached and sold in execution of decrees of Civil Courts. [See Sale.]				
Etawah. [See Settlements.]				
Execution of decrees upon lands. [See Sale.]				
F.				
Field boundary marks. [See Boundaries.] - - - - -	- -	- -	- -	Bombay.
Furruckabad. [See Settlements.]				
Futtehpore. [See Settlements.]				
G.				
Goorgaon. [See Settlements.]				
Goruckpore. [See Settlements.]				
H.				
Hissar. [See Settlements.]				
Humeerpore. [See Settlements.]				
J.				
Jumrah, Government, of villages in the districts in the North Western Provinces. [See Settlements.]				
K.				
Kookurmoondah. [See Nundoorbar.]				
L.				
Lands, sale of, in execution of decrees. [See Sale.]				
Leases of villages in the unsettled districts in the North Western Provinces. [See Settlements.]				

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
M.				
Madras Port Regulations. [See Boats.]				
Meerut. [See Settlements.]				
Moonsiff's Court, pleaders in. [See Pleadings.]				
Moradabad. [See Settlements.]				
Mozuffernuggur. [See Settlements.]				
Muttra. [See Settlements.]				
Mynpooree. [See Settlements.]				
N.				
North Western Provinces, period of settlement of villages in districts in the, defined. [See Settlements.]				
Nundoorbar, Sooltanpore and Kookurmoondah, the judicial, police and revenue administra- tion of Pergunnahs of, in the province of Candeish and the zillah Ahmednuggur, vested in an agent and assistants to be ap- pointed by the Governor - - -	XI.	II.	- -	Bombay.
Rules for the guidance of the agent and assistants to be prescribed by the Governor in Council in respect of de- cisions in judicial matters - - -	"	III.		
final judgment to be passed by the Sudder Foujdaree Adawlut on cri- minal trials referred by the agent - - -	"	IV.		
Sudder Dewanny Adawlut shall decide appeals from the decree of the agent - - -	"	V.		
P.				
Paneeput. [See Settlements.]				
Pleadings, office of, in Company's Courts open to all persons of approved qualification -	I.	IV.	- -	General.
barristers of Her Majesty's Courts in India may act as, in the Sudder Courts, subject to rules applicable to pleaders -	"	V.		
parties may settle remuneration to authorized; costs awarded to parties in regular suits, and appeals and other cases how to be regulated - - -	"	VII.		
private agreements between parties and pleaders respecting their remuneration; how to be enforced - - -	"	VIII.		
parties may settle with authorized, the remuneration for legal opinions -	"	IX.		
may be fined by Principal Sudder Ameens, and Sudder Ameens subject to appeal to Zillah Judges - - -	"	X.		
Rules applicable to, in the Zillah Judges' Courts, shall be applicable to pleaders in the Moonsiffs' Courts -	"	XI.		
Moonsiffs may fine, subject to appeal to the Zillah Judge - - -	"	XII.		
Act not to affect vakeels in the village Moonsiffs' Courts, or employed before the village or district Punchayets, or the Collectors of zillahs, under Regu- lations IV., V., VII. and XII. of 1816 of the Madras Code. [See Regulations.] -	"	XIII.		
Police of Surat. [See Surat.]				
Port Regulations for Madras. [See Boats and Catamarans.]				
Principal Sudder Ameens' Courts, pleaders in. [See Pleadings.]				

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
R. Regulation XXIII. 1814, section 15 ;				
— XXVI. 1814, clause 7, section 2, clause 11, section 3, clause 4, section 8 ;				
— XXVII. 1814, clause 3, section 3, section 7, clause 1, section 15, sections 23, 24, 28, 29, 32, 33, 34, 35, clause 1, section 39 ;				
— XXVIII. 1814, clause 2, section 10 ;				
— XIX. 1817, section 9 ;				
— XI. 1826, section 6 ;				
— V. 1831, section 30 ;				
— IX. 1831, section 7 ;				
— VII. 1832, section 2 ;				
— XII. 1833, of the Bengal Code, and Act No. XIII. of 1838 ; repealed	I.	I.	- -	Bengal.
— VI. 1816, clauses 2 and 3, section 14 ;				
— XIV. 1816, section 7, clause 1, section 15, sections 23, 24, 28, 29, 32, 33, 34, 35 ;				
— XV. 1816, clause 7, section 4, clause 11, section 5, clause 4, section 8 ;				
— I. 1827, clause 3, section 6 ;				
— VII. 1827, clause 3, section 6 ;				
— VI. 1828, section 5 ;				
— IV. 1832, section 4, of the Madras Code ; repealed	"	II.	- -	Madras.
— II. 1827, clause 3, section 47, clause 2, section 48 ; section 55 of the Bombay Code ;				
— XXIX. 1827, so much of clause 1, section 7, of, as empowers the Deccan and Kandeish Judges to examine and grant certificates to pleaders ; repealed	"	III.	- -	Bombay.
— XXVII. 1814, section 25 of the Bengal Code	- -	- -	- -	Bengal.
— XIV. 1816, section 25 of the Madras Code	- -	- -	- -	Madras.
— II. 1827, section 52 of the Bombay Code shall cease to be enforced, except for the purpose mentioned	"	VI.	- -	Bombay.
— XXVII. 1814, so much of the section 20 of the Bengal Code ; and of				
— XIV. 1816, section 20 of the Madras Code, as prescribe rates of fees to pleaders for legal opinions ; repealed. [See Pleaders]	"	IX.		
— I. 1793, so much of sections 10 and 11 of, as relates to the adjustment of the Government Jumma, on lands exposed to public sale in satisfaction of decrees ;				
— XXVII. 1795, section 7, ditto ;				
— XXV. 1803, sections 37 and 38, ditto ;				
— IX. 1805, sections 27 and 28, ditto ;				
— XLV. 1793 ;				
— XX. 1795 ;				
— XII. 1796 ;				
— XXVI. 1803, sections 15 to 26, and so much of sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees ;				
— VII. 1825, clauses 2 and 3, section 4, Bengal Code ; repealed	IV.	I.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Regulations which extend any of the above Regulations, also repealed - - -	IV.	II.		
Regulation IV. of 1830; so much of clause 1, section 1, of Bombay Code, as reserves to the control of the judge and his assistants, the police jurisdiction of Surat, repealed -	V.	-	-	Bombay.
— V. of 1832 of the Bengal Code shall cease to have effect in the Bluttee territory - - -	VI.	I.		
— III. 1812, clause 1, section 2, of Bengal Code, modified - - -	VII.			
— VII. 1799, Section 9;				
— V. 1800, Section 9;				
— XXVIII. 1803, Clause 2, Section 17, of the Bengal Code, respecting arrears of rent; modified - - -	X.	-	-	Bengal.
— XXIX. of 1827, so much of Appendix (A.) of, Bombay Code, as declares the villages contained in the Schedule annexed to Act XI. of 1846, and the lands attached thereto, subject to the Regulations for the administration of civil and criminal justice in the Bombay Presidency, repealed - - -	XI.	I.		
Remuneration of pleaders in the Company's Courts. [See Regulations, Acts and Pleadings.]				
Rohtuck. [See Settlements.]				
S.				
Sale of lands in execution of decrees; certain Regulations of the Bengal Code relating to, repealed. [See Regulations.] - -	IV.	I.	-	- - Bengal & North Western Provinces.
— Regulations which extend any such Regulations, also repealed - -	"	II.		
— attachments and sales of lands in satisfaction of decrees or other process shall be made by civil courts (those in the North Western Provinces excepted), or under their directions, according to the existing rules relating thereto - -	"	III.		
— what particulars a decree-holder shall furnish with his application to the civil court for the sale of lands paying revenue to Government - - -	"	IV.		
— what amount to be deposited by the purchaser at such sales, and the same how disposable in case of default of payment of the purchase-money, and the land how to be sold afterwards - -	"	V.		
— Collectors or their subordinate officers in the North Western Provinces may attach and sell lands in satisfaction of decrees upon the requisition of civil courts, except in cases specified - - -	"	VI.	-	- - North Western Provinces.
— in the said provinces such requisitions shall contain what particulars -	"	VII.		
— in the said provinces the Collector shall issue a proclamation of an intended sale, and to what effect - -	"	VIII.		
— in the said provinces, section V. of this Act, shall be applicable to such sales - - -	"	IX.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Sale of lands; definition of the nature of such sales - - - - -	IV.	X.		
— rules to be framed by the Sud- der Courts and approved by the Governor- General in Council - - - - -	"	XI.		
— Act not to affect applications made by the Civil Courts to the revenue authorities for the sale of lands before the passing of this Act - - - - -	"	XII.		
— Act not to affect processes of the Supreme Court, Court of Requests, or the Courts in the Straits Settlements - -	"	XIII.		
Shahrunpore. [See Settlements.]				
Settlements of villages in districts in the North Western Provinces; period of the existing, defined - - - - -	VIII.	I.	- -	- - North Western Provinces.
— Jummah of Mouzahs transferred from the unsettled to permanently settled districts not liable to increase - - -	"	II.		
— grants or leases for longer period than those specified in the 1st section, may be held till the terms of such grants or leases - - - - -	"	III.		
— before the expiration of engagements previous notice of what period to be given by parties of their intention to relinquish leases - - - - -	"	IV.		
— in default of such notice parties shall be bound to pay the Jummah as already settled till the settlement be revised, or in perpetuity - - - - -	"	V.		
— Government may always demand revenue from resumed rent-free lands, alluvial towfeer, &c., not assessed at the settlement - - - - -	"	VI.		
Shajehanpore. [See Settlements.]				
Sooltanpore. [See Nundoorbar.]				
Sudder Ameens' Court, pleaders in. [See Pleaders.]				
Surat; the police jurisdiction of the city of, vested in the magistrate. [See Regulation]	V.			
V.				
Vakeels. [See Pleaders.]				
W.				
Witnesses; diet money for, in petty cases may be regulated by the magistrates - - -	VII.	- -	- -	- - Bengal and North Western Provinces.

EAST INDIA.

ACTS passed by the Right Honourable the GOVERNOR-GENERAL of INDIA in Council, and the Honourable the PRESIDENT of the COUNCIL of INDIA in Council, in 1847, 1848, and 1849; with INDEXES.—(Pursuant to Act.)

Ordered, by The House of Commons, to be Printed, 7 February 1851.

ACTS of the Government of India. 1847.

ACT No. I. OF 1847.

ACTS of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 30th of January 1847, with the Assent of the Right Honourable the Governor-General of India.

AN Act for the Establishment and Maintenance of Boundary Marks in the North Western Provinces of Bengal.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields or estates:

I. It is hereby enacted, that it shall be lawful within the territories subject to the Government of the North Western Provinces of Bengal, for collectors of land revenue, or persons exercising the powers of collector, or such revenue officers as the Lieutenant-governor may entrust with that authority, to fix the boundaries of fields or estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such officers sufficient for distinguishing the limits of those fields or estates whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous fields or estates requiring them to form or repair the said boundary marks within 10 days from the date of the notice, and, in the event of these persons not being found in the village, that the said requisition shall be posted at the village chowree or chopal, or other conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that, in default of the owners or occupants of the fields or estates complying with the requisition, the said revenue officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the fields or estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields or estates, and shall be realized in the same manner as arrears of land revenue.

ACTS of 1847.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding 50 rupees for each mark so erased, removed or injured; one-half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the collector or other officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by revenue officers under the powers and in the manner prescribed in Regulations VII. 1822, and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that magistrates are prohibited from taking cognizance under Act. IV. of 1840 of boundary disputes of the nature for which provision is here made; but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the collector of land revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

ACT No. II. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 13th of February 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to declare the Meaning and Extent of certain Words in Act V. of 1840.

WHEREAS by section 4 of Act V. of 1840, it was, amongst other things, provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's courts of justice; and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the courts of the Justices of the Peace:

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to, the courts of the Justices of the Peace.

ACT No. III. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 19th of February 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to provide for the Appointment of Constables and Peace Officers at the Settlements in the Straits.

WHEREAS by the Letters Patent for the establishing Her Majesty's Court of Judicature at Prince of Wales' Island, Singapore and Malacca, his late Majesty King George the Fourth, amongst other things, authorized and empowered the said Court, at their General and Quarter Sessions, from time to time to nominate and appoint such persons as the said Court should see fit, to be and act as constables, or to perform the duties performed by constables and subordinate peace officers in that part of his United Kingdom called England, as nearly as the different religious customs and manners of the different inhabitants of the said settlements and places should require or would admit, and his said late Majesty authorized and empowered the said Court to direct that the said constables and other subordinate peace-officers should have and exercise their authority in and over any particular district or districts, or any particular class or classes,

classes, tribe or tribes of the inhabitants of the said settlements of Prince of Wales' Island, Singapore and Malacca, and places aforesaid, as the said Court should see fit; and his said late Majesty authorized and empowered the said Court to compel all and every such persons to serve the said offices to which they should be appointed, in like manner as persons may be compelled to serve the office of constable within that part of his United Kingdom called England, so far as the religions, customs and manners of such persons would admit, and that before they should enter upon their respective offices they should respectively take before the said Court the oath of allegiance, and an oath well and faithfully to execute the same, without favour or partiality, malice or hatred:

ACTS of 1847.

And whereas it is expedient that all constables and subordinate peace officers and other persons appointed to perform the duties of police, should receive pay in remuneration for the performance of their duties:

And whereas by the 13th Section of Act XII. of 1839; it was enacted, that out of the funds collected from the assessment and taxes leviable under that Act, provision should be made in conformity with such instructions as might from time to time be issued by the Governor of Bengal for the efficient watching, cleansing, lighting and repairing of the streets and thoroughfares in the towns of Georgetown, Singapore and Malacca, and for the making and repairing of roads and bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated settlement therein aforesaid:

And whereas it is expedient that all constables and subordinate peace officers and other persons appointed to perform duties of police should be appointed by the authorities from whom they receive their pay, and by no other:

I. It is therefore hereby enacted, that from and after the 19th day of March 1847, no constable or subordinate peace officer, or other person appointed to perform duties of police, shall be appointed by the said Court at their general and quarter sessions, or otherwise.

II. And it is hereby enacted, that the deputy superintendent of police, and every constable and subordinate peace officer and other person appointed to perform duties of police, except the superintendent of police, shall be appointed by the Governor of Prince of Wales' Island, Singapore and Malacca, and that the superintendent of police shall continue to be appointed as heretofore by the Governor of Bengal.

ACT No. IV. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 10th of April 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

It is hereby enacted, that from and after the 1st day of May 1847, it shall be competent to the Governor in Council of Fort St. George to appoint any military officer in the service of the East India Company, a magistrate or an assistant magistrate in one or more zillahs, and to confer on any assistant magistrate, by a special order, any of the powers of a magistrate, any law or regulation to the contrary notwithstanding.

ACTS of 1847.

ACT No. V. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 10th April 1847, with the Assent of the Right Honourable the Governor General of India.

AN ACT to facilitate the Execution of the Sentences of Courts established by the Authority of the Governor-general in Council, for the Administration of Criminal Justice in States or Territories administered by Officers acting under the Authority of the East India Company.

I. It is hereby enacted, that within the territories subject to the Government of the East India Company, and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several officers in charge of gaols shall be competent to give effect to any sentence that may be passed by any Court established, or that may be established by the authority of the Governor-general of India in Council, for the administration of criminal justice in states or territories administered by officers acting under the authority of the East India Company, although such states or territories are not subject to the Government of any one of the Presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

II. And it is hereby enacted, that a warrant under the official seal and signature of the officer or officers exercising criminal jurisdiction within such states or territories as aforesaid, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any officer in charge of a gaol shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose official seal and signature may be affixed thereto, to pass the sentence and issue such warrant, such officer shall refer the matter to the Government to which he is subject, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner, and that, pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said gaols, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act, as in the case of other prisoners confined therein.

ACT No. VI. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 1st May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

I. It is hereby enacted, that from and after the date of the passing of this Act, the provisions of Acts XXI. of 1835, and XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore and Malacca.

II. And it is hereby enacted, that from and after the 1st day of January 1848,
the

the following copper coins only shall be received at or issued from any Government Treasury within the said settlements. ACTS of 1847.

1. A cent. weighing 144 grains troy.
2. A half cent. weighing 72 grains.
3. A quarter cent., weighing 36 grains.

III. And it is hereby enacted, that from and after the date of the passing of this Act the said cent shall be legal tender throughout the said settlements for $\frac{1}{100}$ of a dollar, and the said half cent for $\frac{1}{200}$ of a dollar, and the said quarter cent for $\frac{1}{400}$ of a dollar.

IV. Provided always, and it is hereby enacted, that none of the said coins shall be legal tender, except for fractions of a dollar.

V. And it is hereby enacted, that after the 1st day of January 1848, no other copper coins or tokens than those specified in section 2 of this Act shall be legal tender of payment for the fractional parts of a dollar within the said settlements.

VI. And it is hereby enacted, that, with the exception of the copper coins specified in section 2 of this Act, the circulation in the said settlements after the said day of all copper coins or tokens not being the authorized legal coinage of any British or Foreign Government is prohibited.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said settlements, any copper coins or tokens other than those specified in section 2 of this Act, and not being the authorized legal coinage of any British or Foreign Government, shall, on summary conviction before a magistrate, be liable to a fine not exceeding 10 rupees, and in default of payment, any person so convicted shall be subject to imprisonment for a term not exceeding one month.

VIII. And it is hereby enacted, that it shall be competent to the Governor-general in Council in his executive capacity to direct the coining and issuing, and to prescribe the devices and inscriptions of the coins to be issued under the authority of this Act.

ACT No. VII. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 1st May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to regulate Distresses for Small Rents in Calcutta.

I. It is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal, to appoint four or more persons to be bailiffs and appraisers for the purposes of this Act, and to fix such remuneration for the services of the said officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed; provided that it shall be lawful for the said Commissioners to appoint the bailiffs who may be attached from time to time to the said Court to the office of distraining bailiffs and appraisers for the purposes of this Act, and to award to the said officers such remuneration in addition to their respective salaries drawn from the said Court, as to the said Commissioners shall appear expedient.

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court, upon the affidavit in the form contained in the Schedule to this Act annexed (marked D.) of any party claiming to be entitled to arrears of rent of any house or premises situate in Calcutta, not exceeding the amount of 100 rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the affidavit of the consti-

ACTS of 1847.

tuted attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a warrant under his hand and seal in the form contained in the Schedule to this Act annexed (marked A.) addressed to any one of such officers, directing him to levy the amount of such rent, together with the costs of the said distress in the manner therein mentioned, provided that it shall be lawful for any of the said Commissioners, upon personal examination of the party applying for such warrant, to grant or withhold the same at the discretion of the said Commissioner.

III. And it is hereby enacted, that by virtue of such warrant it shall be lawful for such officer to seize the whole or such part of the goods and chattels upon the said premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an inventory of the goods and chattels so seized, and shall give a notice in writing in the form in the Schedule to this Act annexed (marked B.) to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said premises that the said goods and chattels will be appraised and sold in manner therein mentioned; and that the said officer shall file in the said Court true copies of the said inventory and notice, provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of the said Court to discharge or suspend such warrant, and it shall be lawful for such Commissioner to discharge or suspend such warrant accordingly, with or without costs: provided always that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

IV. And it is hereby enacted, that, in default of such application, it shall be lawful for any two of such officers, at the expiration of five days from such seizure, to appraise the goods and chattels so seized, and to give notice in writing in the form in the Schedule to this Act annexed (marked E.) of the sale thereof at such time and place as they shall direct, after an interval of not less than two days, and that they shall file in the said Court a true copy of the said notice, and that the same shall be sold accordingly, and that the said officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the chief clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due; provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale,

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress except those contained in the Schedule to this Act annexed (marked C.), and that it shall be lawful for the said Commissioners to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs and appraisers as shall appear to the said Commissioners expedient, and that the chief clerk of the said Court shall keep a book in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said bailiffs and appraisers, and all contingent charges incurred in respect of such distresses, shall be duly entered, and that the chief clerk of the said Court shall also enter in the said book all sums realized by sale of the goods and chattels distrained and paid over to the landlords under the provisions of this Act.

VI. And it is hereby enacted, that after the passing of this Act no distress shall be levied for arrears of rent amounting to 100 rupees, or less, except under the provisions of this Act, and that any person, except such officer as appointed, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same in addition to any other liability he may have incurred by such trespass.

VII. And it is hereby enacted, that this Act shall not extend to any arrears of rent exceeding 100 rupees, nor in respect of any house or premises situate out of Calcutta, nor to any rent due to Government, nor to any seizure, except on the premises in respect of which such rent is claimed.

In

GOVERNMENT OF INDIA.

7

ACTS of 1847.

A.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

FORM OF WARRANT.

I hereby direct you to distrain the goods and chattels on the premises of A. B., situate in in the town of Calcutta, for the sum of rupees, being the amount of months' rent due to C. D. for the same, on the day of last, according to the provisions of the Act No. VII. of 1847. Dated 1st day of May.

(signed and sealed)

To E. F, Sworn Bailiff and Appraiser.

B.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

Form of Inventory and Notice.

[State particulars of Goods seized].

Take notice, that I have this day seized the goods and chattels contained in the above inventory for the sum of rupees, being the amount of months' rent due to C. D., at last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, pursuant to the provisions of the Act No. VII. of 1847.

To A. B.

(signed) E. F.,
Sworn Bailiff and Appraiser.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

Sums sued for.	Affidavit and Warrant to Distrain.	Order to Sell.	Commission.	TOTAL.	REMARKS.
1 and under 5 Rs. - - -	4 Annas	8 Annas	8 Annas	Rs. 1 4	
5 and under 10 Rs. - - -	8 Annas	8 Annas	Rs. 1. 0.	Rs. 2 0	
10 and under 15 Rs. - - -	8 Annas	8 Annas	Rs. 1. 8.	Rs. 2 8	
15 and under 20 Rs. - - -	8 Annas	1 Rupee	Rs. 2. 0.	Rs. 3 8	
20 and under 25 Rs. - - -	12 Annas	1 Rupee	Rs. 2. 8.	Rs. 4 4	
25 and under 30 Rs. - - -	1 Rupee	1 Rupee	Rs. 3. 0.	Rs. 5 0	
30 and under 35 Rs. - - -	1 Rupee	1 Rupee	Rs. 3. 8.	Rs. 5 8	
35 and under 40 Rs. - - -	1 Rupee	Rs. 1. 8.	Rs. 4. 0.	Rs. 6 8	
40 and under 45 Rs. - - -	Rs. 1. 4.	Rs. 2. 0.	Rs. 4. 8.	Rs. 7 12	
45 and under 50 Rs. - - -	Rs. 1. 8.	Rs. 2. 0.	Rs. 5. 0.	Rs. 8 8	
50 and under 60 Rs. - - -	Rs. 2. 0.	Rs. 2. 0.	Rs. 6. 0.	Rs. 0 0	
60 and under 80 Rs. - - -	Rs. 2. 8.	Rs. 2. 8.	Rs. 6. 8.	Rs. 11 8	
80 to 100 Rs. - - -	Rs. 3. 0.	Rs. 3. 0.	Rs. 7. 0.	Rs. 13 0	

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpoenaed, in which

ACTS of 1847. which case, each subpoena for sums under 40 rupees must be paid for at 4 annas each, and 12 annas above that amount; and also where peons were kept in charge of property distrained, 4 annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

A. B. (Plaintiff), *versus* C. D. (Defendant).

A. B., inhabitant of _____ in the town of Calcutta,
maketh oath, and saith, that C. D., _____ who is also an inhabitant of the
town of Calcutta, is justly indebted to _____ in the sum of Co.s Rs.
for arrears of rent of the house and premises No. _____ situated
at _____ in the town of Calcutta, due for _____ month, to wit, from
to _____ at the rate of Co.s Rs. _____ per mensem.

Sworn before me the _____ day of _____ 184 _____
Commissioner.

E.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

Take notice, that we have appraised the goods and chattels seized on the
under the provisions of the Act No. VII. of 1847, of which a
notice and inventory had been duly served upon you, under date the
and that the said goods and chattels will be sold on the
at _____ pursuant to the provisions of the said Act.

(signed) E. F.
G. H.

To A. B.

Sworn Bailiffs and Appraisers.

ACT No. VIII. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 8th May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for rendering lawful the Emigration of Labourers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

It is hereby enacted, that from and after the passing of this Act, emigration to Mauritius may lawfully take place under the Provisions of the Act No. XV. of 1842, from the Port of Madras, as well as from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to nominate a proper person to act as protector of emigrants at Madras, and that no emigrant shall be permitted to embark without a certificate from the agent appointed by the Government of Mauritius, countersigned by the protector, to the effect that such person has been engaged by him as an emigrant to that island on the part of the said Government.

ACT

ACT No. IX. of 1847.

ACTS of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 8th of May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN Act regarding the Assessment of Lands gained from the Sea, or from Rivers, by Alluvion or Dereliction within the Provinces of Bengal, Behar and Orissa.

I. It is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals, and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea, or from rivers, by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall, from the date of the passing of this Act, cease to have effect within the provinces of Bengal, Behar and Orissa; and that all such investigations pending before the collectors and deputy collectors in the said provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act, shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And it is hereby enacted, that within the said provinces it shall be lawful for the Government of Bengal, in all districts or parts of districts of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the under-mentioned days; viz.

Of the district of Chittagong, on the 6th day of September 1842.

Of the district of Behar, on the 9th day of November 1844.

Of the district of Patna, on the 22d day of June 1844.

Of the district of Shahabad, on the 28th day of November 1846.

Of the district of Sarun, on the 18th day of February 1847.

Of pergunnah Furkyah, in the district of Monghyr, on the 19th day of September 1839.

Of the northern division of the Province of Cuttack, on the 24th day of October 1842.

Of the central division of the Province of Cuttack, on the 22d day of February 1843.

Of the southern division of the Province of Cuttack, on the 19th day of October 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the 12th day of September 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the 5th day of October 1842.

Of the district of Cachar, on the 5th day of February 1844.

Of Jynteeah and the pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the 5th day of February 1844.

Of the district of Gwalparah, on the 24th day of December 1842.

Of the district of Luckimpore, on the 10th day of November 1845.

Of the district of Seebpoor, on the 8th day of May 1843.

And that the approval of the revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such

ACTS of 1847. day as may be specified as the day of such approval in the "Calcutta Government Gazette."

V. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the local revenue authorities that land has been washed away from, or lost to any estate paying revenue directly to Government, they shall, without loss of time, make a deduction from the sudder jumma of the said estate equal to so much of the whole sudder jumma of the estate as bears to the whole the same proportion as the mofussil jumma of the land lost bears to the mofussil jumma of the whole estate; but if the mofussil jumma of the whole estate or of the land lost cannot be ascertained to the satisfaction of the local revenue authorities, then the said local revenue authorities shall make a deduction from the sudder jumma of the estate equal to so much of the whole sudder jumma of the estate as bears to the whole the same proportion as the land lost bears to the whole estate: and this deduction, with the reasons thereof, shall be forthwith reported by the local revenue authorities for the information and orders of the Sudder Board of Revenue, whose orders thereupon shall be final.

VI. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the local revenue authorities that land has been added to any estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue, whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the local revenue authorities that an island has been thrown up in a large and navigable river liable to be taken possession of by Government under clause 3, section 4, Regulation XI. 1825, of the Bengal Code, the said local revenue authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon in regard to the assessment shall be final: Provided, however, that any party aggrieved by the act of the revenue authorities in taking possession of any island as aforesaid, shall be at liberty to contest the same by a regular suit in the civil court.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are at the date of the passing of this Act open to appeal to the Court of the Special Commissioners according to the laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to islands, no suit or action in any court of justice shall lie against the Government or any of its officers, on account of any thing done in good faith in the exercise of the powers conferred by this Act.

ACT No. X. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 19th of June 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for amending Act XXX. of 1836.

It is hereby enacted, that within the territories subject to the government of the East India Company, whenever any Court not included under the provisions of Act XIV. of 1844, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

GOVERNMENT OF INDIA.

11

ACT No. XL of 1847.

ACTS of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 7th of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

It is hereby enacted, that it shall be lawful for the Governor-general of India in Council, in his executive capacity, to authorize the Governor of Prince of Wales' Island, Singapore and Malacca, to receive in the said settlements, and the resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said settlements respectively, convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's settlement of Hong Kong, and that every such convict when so received at any such place, shall be liable to all such and the same laws, rules and regulations as are or shall be in force in any such place with respect to convicts transported from any place within the territories subject to the government of the East India Company.

ACT No. XII. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 21st of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for repealing the Law which authorizes the imposition of Fines on Moonsiffs and Sudder Ameens.

WHEREAS it was enacted by clause 3, section 9, Regulation XXIII. of 1814, of the Bengal Code; that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the judge should be authorized to impose on the Moonsiff a fine not exceeding 20 rupees in amount, and that the order of the judge in such case should be final:

And whereas by section 67 of the said Regulation the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameens, as well as to that of Moonsiffs:

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated judicial position which they now occupy:

It is therefore hereby enacted, that clause 3, section 9, Regulation XXIII. of 1814, and section 67 of the said Regulation, so far as it declares the said clause to be applicable to Sudder Ameens, are repealed.

ACT No. XIII. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 21st of August 1847, with the Assent of the Right Honourable the Governor-General of India:

AN ACT for repealing Act XIV. of 1839, so far as it relates to the Emigration of Natives of India to the Island of Ceylon.

I. WHEREAS by Act XIV. of 1839, it was enacted, that every person who should make with any native of India any contract for labour to be performed in any British or Foreign colony without the territories of the East India Company, or who should knowingly abet or aid any native of India in emigrating from the said territories for the purpose of being employed as a labourer, should be liable on conviction before a magistrate or justice of the peace, to a fine not exceeding 200 rupees for every native so contracted with, aided or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months:

Provided always, that nothing in that Act contained should be taken to apply to any native seaman who should of his own free will contract to navigate any vessel;

ACTS of 1847.

vessel, or who should embark on board such vessel in pursuance of such contract, or to any person who should contract to serve as a menial servant only, or who should embark as such menial servant :

And whereas the island of Ceylon geographically, historically and socially considered, is analogous to the countries subject to the government of the East India Company :

It is hereby enacted, that Act XIV. of 1839, in so far as it makes liable to penalties every person who shall make with any native of India any contract for labour to be performed in the said island, or who shall knowingly aid or abet any native of India in emigrating from the territories subject to the government of the East India Company to the said island, is repealed.

II. But whereas the said island is not subject to the legislative power of the Governor-general of India in Council, so that the said Governor-general in Council is unable to make laws for the protection of such natives of India as may emigrate to the said island, against the evils which might attend the emigration of such natives of India from the said island to any British or Foreign colony :

It is therefore hereby enacted, that this Act shall not come into operation until the Governor-general of India in Council shall be duly certified that the legislature of the said island has made such laws as the said Governor-general in Council shall think sufficient, for the protection of such natives of India so emigrating to the said island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

ACT No. XIV. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 28th of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for repealing parts of Section 3, Regulation IV. 1793, and Section 3, Regulation III. 1803, of the Bengal Code.

It is hereby enacted, that so much of section 3, Regulation IV. 1793, and of the corresponding part of section 3, Regulation III. 1803, of the Bengal Code, as requires the transcription of plaints, be repealed.

ACT No. XV. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 11th day of September 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the Survey of Lands in the Town of Calcutta, within the Local Limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

WHEREAS it is expedient that a correct survey should be made of all lands in the town of Calcutta, within the local limits of Her Majesty's Supreme Court of Judicature :

It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an officer to survey the lands situate within the said local limits, and such officer shall proceed to survey the same, and to register the names of the owners and occupiers thereof, as far as they can be ascertained; and such officer shall, by public notification, invite all persons owning or occupying lands and tenements within the said local limits, to appear before him in person, or by duly constituted attorney, at whatever place, within the said limits, his office may be held, and to bring with him all pottahs, ground-rent bills, bills of sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And

II. And it is hereby enacted, that the said officer shall, for the purposes of this Act, have full power and authority, at all reasonable hours in the day-time, to enter or to direct his subordinate officers to enter into and upon any land or tenement within the said local limits, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings, or any part thereof, without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry into, or of any thing done or to be done in any part thereof, in pursuance of this Act; provided, that such officer or subordinate officers shall not enter upon any lands or tenements which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so; provided also, that if any action shall be commenced in the Supreme Court against any such officer or subordinate officer, for any entry made, or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue, and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time shall obstruct or molest the said officer, or any of his subordinate officers, in the performance and execution of his or their duty, or any thing which they are required to do, by, or by virtue, or in consequence of this Act, every such person so offending shall be guilty of a misdemeanor, and shall on conviction before a magistrate for the town of Calcutta, forfeit and pay for every such offence any sum not exceeding 200 rupees.

IV. And whereas such notification as is directed by section 1. of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the surveying officer to cause any person owning or occupying lands or tenements within the said local limits, or his agents or representatives, to be served with a special notice under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him, and the period within which such person is to attend, and if such person cannot be found, the notice shall be affixed to his usual place of residence, if that be within the said local limits, or if not, then on the premises to be surveyed: Provided always, that no person shall be required to produce any title-deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purposes of this Act, it shall be lawful for the surveying officer, by writing under his hand, to summon any person whatsoever to attend as a witness, at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath, or solemn affirmation or declaration, or to answer all such questions as the surveying officer may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made, in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such surveying officer, shall be examined upon oath, which such surveying officer is hereby authorized to administer: Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said surveying officer shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such surveying officer, shall be deemed guilty of wilful and corrupt perjury.

ACTS of 1847.

ACT No. XVI. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 23d of October 1847, with the Assent of the Right Honourable the Governor-General of India.

For constituting Commissioners for the Improvement of the Town of Calcutta, partly by Appointment of the Government, and partly by Election of the Rate-payers.

WHEREAS by the 158th section of the 52d chapter of the statute 33 Geo. 3, certain powers and duties in regard to the collection and disbursement of the assessment thereby authorized to be made by the justices of the peace within or for the Presidency of Fort William, were conferred and imposed upon the said justices : And whereas by Act No. XXIV. of 1840, certain changes were made in the law relating to the said assessment.

And whereas it is apparent that the sewerage and drainage of the town of Calcutta, and the supply of water for the domestic use of the inhabitants thereof, and the due cleansing of drains therein, and the means of providing for the due ventilation of the town, and the repairing, cleansing and lighting the roads and streets, and the making convenient lines of communication by spacious streets, and the preventing and removing of nuisances, and the due provision of adequate means for the relief of the sick poor in the said town, are very defective; all which cause excessive disease and great mortality : And whereas the laws and regulations now in force, and the pecuniary means applicable to the said objects are wholly insufficient for the remedy of so great a mischief ; and whereas it is expedient that remedy should be had herein.

I. It is hereby enacted, that Act No. XXIV. of 1840, intituled an Act for amending the law with respect to rates for municipal purposes within the town of Calcutta, is repealed.

II. And it is hereby enacted, that all the said powers and duties in regard to the collection and disbursement of the said assessments shall, from and after the first day of January 1848, cease to be exercised and performed by the said justices for the town of Calcutta, and shall be exercised and performed by a Board of seven Commissioners, to be called the Commissioners for the Improvement of the town of Calcutta, of whom three shall be appointed by the Governor of Bengal, and four shall be elected by the rate-payers of the town of Calcutta ; that is to say, one by the rate-payers of each of the following divisions, viz.

1st or Upper North Division, bounded

- A. North by Maharattah Ditch.
South by Cotton Street and Meerbhur's Ghaut Street.
East by Chitpore Road.
West by River Hooghly.
- B. North by the Maharattah Ditch.
South by Mutchoa Bazar.
West by Chitpore Road.
East by Central Road.
- C. North and East by Circular Road.
South by Mutchoa Bazar Road.
West by Central Road.

2d or Lower North Division, bounded

- A. North by Cotton Street and Meerbhur's Ghaut Street.
South by the Police Ghaut, Hare Street, North side of Tank Square and Loll Bazar.
East by Chitpore Road.
West by the River Hooghly.
- B. North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Central Road.
West by Chitpore Road.

C. North

- C. North by Mutchoa Bazar.
- South by Bow Bazar Street.
- East by Circular Road.
- West by Central Road.

3d or Upper South Division, bounded

- A. North by Police Ghaut, Hare Street, North side of Tank Square, and Loll Bazar.
- South by East and West Esplanade Row.
- East by Cossitollah Street.
- West by the River Hooghly.
- B. North by Bow Bazar Street.
- South by Dhurumtollah.
- West by Cossitollah.
- East by Central Road.
- C. North by Boitakhanna Street.
- South by Dhurumtollah Street.
- East by Circular Road.
- West by Central Road.

4th or Lower South Division, bounded

- A. North by Dhurumtollah Street.
- South by Park Street.
- East by Circular Road.
- West by Chowringhee Road.
- B. South and East by Circular Road.
- North by Park Street.
- West by Chowringhee Road;

or of such other divisions as the Governor of Bengal may from time to time appoint; or in default of election shall be appointed by the said Governor of Bengal, and any vacancies which may from time to time occur in the situations of any of the Commissioners who shall have been appointed by the said Governor, shall be filled up by the appointment of the said Governor.

III. And it is hereby enacted, that the said Commissioners shall severally receive such salaries as may from time to time be fixed by the Governor of Bengal, with the concurrence of the Governor-general in Council, and that for the exercise and performance of all the powers and duties hereinbefore, or hereinafter conferred and imposed upon the said Commissioners, five shall be a quorum: Provided always, and it is hereby enacted, that it shall be lawful for any one of the said Commissioners to issue a warrant of distress for the recovery of any arrears of any rates or taxes accruing under the said 158th section of the said statute or under this Act.

IV. And it is hereby enacted, that the time and place and manner of the elections of the said elective Commissioners in each of the said divisions, shall be according to such scheme as shall be agreed upon by a general meeting of the owners and occupiers of assessed houses, buildings and grounds in the said town, consisting of not less than 100 of the said owners and occupiers, and presented on behalf of such meeting to the Governor of Bengal, and approved by him; but so as such elections shall take place annually.

Provided always, and it is hereby enacted, that if no such general meeting shall be held within one month from the passing of this Act, or if no such scheme shall be presented on behalf of such meeting to the Governor of Bengal within one month after such meeting shall have been held, it shall then be lawful for the said Governor of Bengal to appoint the whole of the said Commissioners.

Provided also, and it is hereby enacted, that the scheme shall be laid by the Governor of Bengal before the Governor-general in Council, for his approbation and

ACTS of 1847.

and shall not be in force until such approbation shall have been signified in writing.

V. And it is hereby enacted, that the said Commissioners shall, from and after the said day, have power within the said town to levy upon the owners or users of the several kinds of carriages, carts and horses mentioned in the Schedule to this Act annexed, taxes according to the rates mentioned in the said Schedule, and that the said Commissioners shall have power and discretion to compound with livery stable-keepers and other persons keeping carriages and horses for hire, for an annual rate of tax to be assessed upon the carriages and horses in their establishments, in lieu of taxes, according to the rates mentioned in the said Schedule.

VI. And it is hereby enacted, that the said taxes, according to the rates mentioned in the said Schedule, shall be levied quarterly, and that every person who has been the owner or user of a carriage or horse within the said town, during 30 days in any one quarter, shall be liable for the taxes of that entire quarter: Provided always, that no person who has not been the owner or user of a carriage or horse within the said town, during 30 days in any one quarter, shall be liable to any tax in respect of any carriage or horse; provided also, that no such tax shall be levied in respect of any horse, carriage or cart in the employment of Government.

VII. And it is hereby enacted, that the assessments and rates made under the authority of the Statute 33 Geo. 3, c. 52, section 158, and of section 2 of this Act, shall be of such amount as, together with the amount of the taxes to be levied by the Commissioners under section 5 of this Act, and together with such other funds as may be placed at the disposal of the said Commissioners by the Government of Bengal, shall appear to the said Commissioners expedient for completely effecting the purposes specified in this Act, any thing in the said 158th section of the said statute notwithstanding: Provided always, that no rate shall be made exceeding 5 per cent. on the assessed value of property, without the sanction of the Governor of Bengal.

VIII. And it is hereby enacted, that for the assessment and collection of the rates and taxes to be levied by the said Commissioners, it shall be lawful for the said Commissioners to appoint such assessor or assessors, collector or collectors, to make such union of the offices of assessor and collector, and to prescribe such rules and take such securities for the due execution of the duties of such assessors and collectors, as the said Commissioners shall deem expedient, and such assessors and collectors shall receive such salaries as the Government of Bengal may see fit to sanction.

IX. And it is hereby enacted, that it shall not be necessary in any assessment, rate or warrant of distress under the said statute, and this Act, to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

X. And it is hereby enacted, that the goods and chattels of the owners of any houses, buildings or grounds rated under the said statute, and this Act, shall be seizable any where (except goods and chattels concealed as hereinafter mentioned) for deficiency in the payment of rates, and that all goods and chattels which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure, and in the case of the seizure of the goods and chattels of a tenant under such circumstances, such tenant may deduct the amount of the levy from the next payment of his rent.

XI. And it is hereby enacted, that when there is ground to suspect that goods and chattels liable to distress under the said Statute, and this Act, are concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court.

XII. And it is hereby enacted, that it shall be lawful for the said Commissioners, and they are hereby required to make rules, and as occasion may require to

to add to, revoke or alter the same, for the regulation of the time and manner of assessing and levying the said taxes, and for compelling persons to give any information which may be necessary for that purpose, and for imposing penalties upon persons not performing any duty cast upon them by the said rules for the said purpose, and upon persons obstructing any persons acting under the said Commissioners in that behalf, so as that such penalty shall not in any case exceed 100 rupees.

ACTS of 1847.

XIII. And it is hereby enacted, that such rules shall be laid before the Governor of Bengal and approved by him, and shall then be laid by the said Governor of Bengal before the Governor-general in Council, and when approved by him shall have the force of law: Provided always, and it is hereby enacted, that the said taxes shall not be leviable until such rules have been so made and approved.

XIV. And it is hereby enacted, that it shall be lawful for the said Commissioners to levy the arrears of the said taxes and any penalties which may be incurred under the said rules, by the same process of distress as is hereinbefore provided for the levying of the aforesaid rates on houses, buildings and grounds.

XV. And it is hereby enacted, that the whole proceeds of the said rates and taxes, after paying all salaries, establishments and incidental expenses of the said Commissioners, shall, together with such monies as the Government of Bengal, with the sanction of the Governor-general in Council, may direct to be paid over to the said Commissioners, be applied by them to the following purposes, viz.

1. Formation of tanks and aqueducts for the conveyance of water to all parts of the town.
2. Opening of streets and squares in crowded parts of the town.
3. Filling up stagnant pools of water and removing obstructions to the free circulation of air.
4. Lighting and watering the roads and streets.
5. Cleansing and repairing the same, and the drains of the said town.
6. And in improving and embellishing the said town generally.

SCHEDULE.

For every four-wheeled carriage on springs, drawn by two horses,	32 Rs. per ann.
For every four-wheeled ditto ditto, by one horse	- - - 7 "
For every two-wheeled ditto ditto, by one horse or two horses	- 16 "
For every karanchee, hackery or cart	- - - 5 "
For every riding horse or pony	- - - 18 "
For every draught horse	- - - 2 "
For every draught pony or tattoo	- - - 1 "
For every draught or burthen bullock	- - - 8 As. "

ACT No. XVII. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 6th November 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for remedying a Defect in the Law regarding undiscovered Defaults in the Prosecution of Suits.

WHEREAS inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default:

It is hereby enacted, that in the said Courts every default of a plaintiff or appellant, in all suits or appeals now pending or hereafter to be brought, and in

ACTS of 1847. all suits which have been decided but are still open to appeal, shall be held to be cured whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.

ACT No. XVIII. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 27th November 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for curing the invalidity in the Registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court Days.

WHEREAS instances have occurred of persons exercising the office of Register of deeds who have not been duly appointed, and whereas in some cases registration of deeds has been made on other than Court days, that is, on days other than those on which the Zillah or City Court has been open for business, and doubts may therefore arise as to whether the registration of any deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law :

I. It is therefore hereby enacted, that acts which may have been done in that capacity in any zillah, subject to the Presidency of Bengal, by persons who have had charge of the office of Register of Deeds without being duly appointed to the said office, shall be and shall be taken to have always been as valid in law as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And it is enacted, that all acts which may have been done on other than Court days by the Register of Deeds, or by the person having charge of the office without being duly appointed, in any zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

ACT No. XIX. of 1847.

Passed by the Governor-General of India in Council, on the 18th of December 1847.

AN ACT to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS it is expedient to make certain amendments in the Articles of War provided by Act XX. of 1845, for the government of the native officers and soldiers in the military service of the East India Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers :

I. It is therefore hereby enacted, that from and after the first day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the government of the said native officers and soldiers in the military service of the said Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers. Provided always, that all crimes and offences committed against the Articles of War provided by Act XX. of 1845 aforesaid, may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided, and that every warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

ARTICLES

ARTICLES OF WAR.

SECTION I.—*Of Enlisting and Discharges.*

Article 1.—Every recruit, prior to being enrolled in his regiment, shall have the first four Articles of the second section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such declaration as is now used, if any, in the respective Presidencies, shall be made to him by the officer commanding, in front of the regiment or corps, in presence of the Native officers and soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* Article 2.—No commissioned officer shall be dismissed except by the sentence of a General Court Martial. No non-commissioned officer or soldier shall be discharged as a punishment except by the sentence of a Court Martial, or by order of the Commander-in-chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor-general in Council in his executive capacity, and the Governor in Council of any Presidency to which a commissioned or non-commissioned officer or soldier may belong, shall have power to order his dismissal or discharge.

Article 3.—All non-commissioned officers and soldiers discharged the service, shall be furnished by the commanding officer of the regiment with a discharge certificate, made out in the vernacular language of the individual discharged, with an English translation, expressing the authority for, and cause of, such discharge, and the period of his entire service in the army.

* Article 4.—No non-commissioned officer or soldier shall enlist himself in any other regiment without a regular discharge from his former regiment, under the penalty of being reputed a deserter, and suffering accordingly.

SECTION II.—*Crimes and Punishment.**Crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment or Dismissal.*

Article 5.—Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition in the regiment or corps to which he belongs, or in any other corps or regiment whatsoever, on any pretence whatever, or who, being present at any mutiny or sedition, shall not use his utmost endeavours to suppress it, or who, coming to the knowledge of any mutiny, intended mutiny, or concealed combination against the State, shall not without delay give information thereof to his commanding officer ;—or

Article 6.—Who shall strike his superior officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence against him ; whether on or off duty, and under all circumstances in which his superior officer may be distinguishable as such in any manner ;—or

Article 7.—Who shall disobey any lawful command of his superior officer ;—or

Article 8.—Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same ;)—or

Article 9.—Who, being a sentry, in time of war or alarm, shall sleep upon his post, or shall leave it before regularly relieved, or without leave ; or shall plunder or injure the property placed under his charge ;—or

Article 10.—Who shall shamefully abandon or deliver up any garrison, fortress, post or guard, committed to his charge, or which it was his duty to defend ; or who shall use means to induce any other officer or soldier so to abandon or deliver up any such garrison, fortress, post or guard ;—or

Article 11.—Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War ;—or

Article 12.—Who shall hold correspondence with or give intelligence to the enemy, or any person in arms against the State, either directly or indirectly ; or

ACTS of 1847. who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the commanding officer ;—or

Article 13.—Who shall directly or indirectly assist or relieve the enemy, or persons in arms against the State, with money, victuals or ammunition ; or shall knowingly harbour or protect any enemy or person in arms against the State ;—or

Article 14.—Who shall treacherously release, wilfully aid, or connive at the escape of any enemy or person in arms against the State, placed as a prisoner under his charge ;—or

Article 15.—Who shall misbehave himself before the enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave ;—or

Article 16.—Who shall in presence of an enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition ;—or

Article 17.—Who shall leave his commanding officer, or his post or colours, or party, in time of action, to go in search of plunder ;—or

Article 18.—Who, in time of war, shall do violence to any person bringing provisions or other necessities to the camp or quarters of the forces ; or shall force a safeguard ; or break into any house, or other place for plunder ; or plunder fields or gardens, or other property ;—or

Article 19.—Who, in time of war, shall, by discharging fire-arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in action, camp, garrison or quarters ;—or

Article 20.—Who shall, without proper authority, release any State prisoner, or through carelessness or neglect shall suffer any such prisoner to escape ; or shall connive at the plunder or injury of property in time of war, or the plunder or injury of treasure, or of a magazine or dock-yard, by the sentry or guard in whose charge such property or treasure, or magazine or dock-yard is placed ;—or

Article 21.—Who, being a sentry placed over any State prisoner, or over treasure, or over a magazine or dock-yard, shall quit his post without being regularly relieved, or without leave ; or shall sleep upon his post ; or shall plunder or injure the property placed under his charge ;

Shall, if an officer, on conviction, suffer death or transportation for life, or be dismissed the service ;

And, if a soldier, shall, on conviction, suffer death or transportation for life ; or imprisonment, with or without hard labour, for life or for any term of years ; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding 28 days at a time, nor 84 days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement ; or shall suffer corporal punishment ; or dismissal from the service ; as by a General Court Martial shall be awarded. Provided that no soldier shall be kept in solitary confinement more than 84 days in any one year, whether by the sentence of one or more Courts Martial, or by order of his commanding officer.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment, with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 22.—Any officer or soldier who shall in operations in the field, spread reports by words or letters calculated to create unnecessary alarm in the troops, or in the vicinity, or in the rear of the army ;—or

Article 23.—Who shall, in action or previously to going into action, use words tending to create alarm or despondency ;—or

Article 24.—Who shall be drunk when on, or for duty, or on parade, or on the line of march ;—or

Article 25.—Who shall strike or force any sentry ;—or

Article

Article 26.—Any soldier who shall be grossly insubordinate or insolent to his superior officer in the execution of his office ; or grossly insubordinate and violent in the presence of a Court Martial ;—or

ACTS of 1847.

Article 27.—Who, being on actual service, shall refuse to assist in making field works ;

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances ;

And, if a soldier, shall, on conviction before a General or District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death or transportation, or imprisonment with hard labour.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial, with Dismissal, Reduction, Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 28.—Any officer who shall behave in a manner unbecoming the character of an officer ; (the fact or facts whereon the charge is grounded being clearly specified therein ;)—or

Article 29.—Any officer or soldier who shall advise or persuade any other officer or soldier to desert, or who shall connive at such desertion ; or who shall knowingly receive and entertain any deserter, and shall not immediately on discovery give notice to his superior officer ; or shall not cause such deserter to be apprehended by the civil power ;—or

Article 30.—Who shall obtain or attempt to obtain for himself, or for any officer or soldier, or for any other person whatsoever, any pension or allowance, by any false statement, certificate or document, or by the omission of the true statement, or certificate or document ;—or

Article 31.—Who shall knowingly make a false return or report, to any his superior officer authorized to call for a return or report of the state of the men under his command, or of arms, ammunition, clothing or other stores thereunto belonging, or of which he may have charge ;—or

Article 32.—Who, at any post, or on the march, shall illegally, and against the will of the parties, extort money or property of any description, as fees or duties, or on any pretence whatever ; or shall, without authority, exact from villagers or others, carriage, portage or provisions ;—or

Article 33.—Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons ;

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances ;

And if a soldier, shall, on conviction before a General, District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation or corporal punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers ; or by any Court Martial with Dismissal, Reduction, Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 34.—Any officer or soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority ;—or

Article 35.—Who shall malingering, feign, or intentionally produce disease or infirmity ; or intentionally delay his cure ; or intentionally aggravate his disease or infirmity ;—or

ACTS of 1847.

Article 36.—Who shall, without orders, commit any waste, or spoil or plunder, or shall injure or destroy any property ;—or

Article 37.—Any soldier who shall, contrary to orders, when off duty, appear in or about camp or cantonments, or, on occasion of visiting towns or bazaars, carrying a sword, bludgeon or other weapon ;—or

Article 38.—Who shall sell, pawn, or designedly or through neglect, lose or injure his horse, arms, clothes, accoutrements or regimental necessaries ; or any of the above articles entrusted or belonging to any other soldier ;

Shall, on conviction before a General, District or Garrison or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation or corporal punishment,

Embezzlement ; punishable by General Court Martial with Dismissal, Fine and Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, of Officers and Soldiers.

Article 39.—Any officer or soldier who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any military purpose ; or any provisions, forage, arms, clothing, ammunition or military stores, of whatever kind or description, the property of Government, entrusted to his charge ; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication ;

Shall, on conviction before a General Court Martial, be dismissed the service and fined to the extent of his arrears of pay and allowances ; and be further liable to suffer imprisonment, with or without hard labour, for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid).

Disgraceful Conduct ; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment, with or without Hard Labour and Solitary Confinement, and in addition with forfeiture of additional Pay and of Pension on Discharge, and Stoppages, of Non-Commissioned Officers and Soldiers.

Article 40.—Any soldier who shall be guilty of disgraceful conduct ;

In wilfully maiming or injuring himself or any other soldier, at the instance of such soldier, with intent to render himself or such soldier unfit for the service, or with intent to take his own life ;—or

Article 41.—In purloining or selling Government stores ;—or

Article 42.—In stealing money or goods, the property of a soldier or of a military officer, or of any military mess, or of any person or persons belonging to, or serving with or attached to the army ;—or

Article 43.—In plundering or injuring property placed under his charge as sentry, or in charge of his guard, or in conniving at the plunder or injury of such property ;—or

Article 44.—In embezzling or fraudulently misapplying public money entrusted to him for any military purpose ;—or

Article 45.—In committing any petty offence of a fraudulent or dishonest nature, to the injury of, or with intent to injure the Government, or any person, civil or military ;—or

Article 46.—Who shall be guilty of any other disgraceful conduct, being of a cruel, indecent or unnatural kind ;

Shall, on conviction before a General or District or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for disgraceful conduct.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly pay and allowances ;

allowances, until the amount be made good of any loss or damage arising out of his misconduct.

ACTS of 1847.

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of pay and allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction or Simple Imprisonment, with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 47.—Any officer or non-commissioned officer who shall strike or otherwise illtreat any soldier;—or

Article 48.—Any sentry who, in time of peace, shall sleep upon his post, or shall leave it before regularly relieved or without leave;—or

Article 49.—Any officer or soldier who shall knowingly enlist a deserter or connive at his enlistment;—or

Article 50.—Who, directly or indirectly, shall require or accept a bribe, present or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any officer or soldier;—or

Article 51.—Who, being in command at any post, or on the march, on complaint made to him of any person under his command beating or otherwise illtreating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior officer;—or

Article 52.—Who being in command of a guard, shall refuse to receive any prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape;—or

Article 53.—Who shall quit his guard or picquet, in time of peace, without being regularly relieved or without leave;—or

Article 54.—Who shall impede the Provost Marshal or his assistants, or any other officer or person legally exercising authority; or refuse to assist him when requiring his aid in the execution of his duty;—or

Article 55.—Who, being on leave of absence, shall have received information from the head-quarters of his regiment, or from other competent authority, that his regiment has been ordered on service, and shall not rejoin without delay;—or

Article 56.—Who, in time of peace, shall, by discharging fire-arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in camp, garrison or cantonments;—or

Article 57.—Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause;—or

Article 58.—Who shall, without urgent necessity, or without leave of his superior officer, quit his company or troop, or the parade;—or

Article 59.—Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him;—or

Article 60.—Any soldier who shall be found two miles from the camp contrary to orders;—or

Article 61.—Who shall, contrary to orders, be absent from his cantonment after tattoo, or from camp after retreat beating;—or

Article 62.—Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

ACTS of 1847. Shall, if an officer, on conviction, be sentenced to suspension from rank and pay and allowances; or to be reprimanded in such manner as the Commander-in-chief may direct;

And, if a soldier shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided, that such offender shall not be liable to be sentenced to suffer corporal punishment, or imprisonment with hard labour.

Article 63.—All crimes not capital, and all disorders or neglects which officers or soldiers may be guilty of, to the prejudice of good order and military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a soldier shall not for any such offences be liable to be sentenced to suffer corporal punishment, or imprisonment with hard labour.

Crimes incident to Courts Martial; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

Article 64.—Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the sentence of the same or another Court Martial, with dismissal, or suspension from rank and pay and allowances, if a commissioned officer; with dismissal or reduction to the ranks, if a non-commissioned officer; or with dismissal, or imprisonment, if a soldier;

Provided, that such person, being a commissioned officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer imprisonment with hard labour, or corporal punishment.

Article 65.—Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend, or who, attending, shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a criminal court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a magistrate to be proceeded against according to law.

Article 66.—Any person using menacing or disrespectful words, signs or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to corporal punishment, or to imprisonment with hard labour; and if not amenable to these Articles of War, the offender shall be delivered over to a magistrate to be proceeded against according to law.

Perjury; punishable by General or District Court Martial with Dismissal, and in addition with Fine or simple Imprisonment of Officers and Soldiers.

Article 67.—Any officer or soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;

Shall be dismissed the service, and shall be further subject to fine, to the amount of his arrears of pay and allowances, or to imprisonment, which may extend to three years; according to the sentence of a General or District or Garrison Court Martial.

Crimes admitting of less serious notice.

ACTS of 1847.

Article 68.—Whereas it may be advisable that some of the offences which by the foregoing articles are directed to be tried by a General or District or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District or Garrison or Regimental Courts Martial; in such cases the officer commanding the regiment or corps to which the offender belongs may, if he thinks it expedient and for the good of the service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District or Garrison Court Martial; making however a report in every such case, for the information of the general officer commanding the division of the reasons of his having so proceeded; or such commanding officer may lay a particular statement of the case before the general or other officer having authority to convene General or District or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District or Garrison or Regimental Court Martial; and such general or other officer will exercise his discretion in complying or not with such application; but the permission of such general or other officer so to proceed, shall be entered upon the proceedings at the trial of such offender;

Provided, that Mutiny shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated “Disgraceful Conduct” in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term “Disgraceful Conduct” shall be omitted in the charge; and the offender shall, on conviction, be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences on the Line of March or on board Vessels.

Article 69.—For offences committed on the line of march, or on board any ship or other vessel, the officer in command of the troops is hereby authorized to try any soldier by a Regimental or Detachment Court Martial, and to confirm and execute the sentence on the spot;

Provided, that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award; and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-chief.

SECTION III.—*Administration of Justice.*

Article 70.—Whenever any officer or soldier shall commit a crime deserving punishment by Court Martial, he shall, by his commanding officer, be put under arrest, if an officer or non-commissioned officer; or if a soldier, be confined, until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no officer or soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable; but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

Article 71.—No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed more than three years previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Article 72.—Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ACTS of 1847.

Article 73.—The Commander-in-chief at the Presidencies of Fort William, Fort St. George and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm and mitigate, or commute or remit the sentences of such Courts; and may issue his warrant to any general or other officer having the command of a body of troops in the service of Her Majesty or of the East India Company, empowering such officer to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of offences committed by any of the officers or soldiers or followers in the service of the said Company, being natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm and mitigate, or commute or remit the sentences of such Courts Martial.

Article 74.—A General Court Martial shall not consist of less than 13 commissioned officers, unless it be held out of the East India Company's territories, where such Court Martial may consist of seven commissioned officers, if a greater number cannot be conveniently assembled; and no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

*Article 75.—A General Court Martial may sentence any officer or soldier to death or transportation, for any crimes which are by these Articles of War expressly made liable to sentence of death or transportation, and for such crimes only.

And when a commissioned officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such officer to be dismissed the service; or to be suspended from rank and pay and allowances, for a stated period; or to be placed lower on the list of his rank, by an alteration of the date of his commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of suspension or reduction which they shall so adjudge; or the Court may sentence such officer to be reprimanded in such manner as the Commander-in-chief may direct.

And a General Court Martial may sentence any non-commissioned officer to be reduced to the ranks; or may sentence any non-commissioned officer or soldier to be dismissed the service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing); or may sentence any soldier to suffer corporal punishment not exceeding fifty lashes; or imprisonment with or without hard labour not exceeding two years; and to be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his commanding officer.

And a General Court Martial may, in addition either to corporal punishment, or to imprisonment, as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay and to pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And a General Court Martial may, in addition to the punishment of dismissal, sentence any officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct; and, in addition to any punishment not involving dismissal from the service, may sentence any officer or soldier to be put under stoppages, not exceeding two-thirds of his pay and allowances in the case of an officer, and not exceeding half of his pay and allowances in the case of a non-commissioned officer or soldier, until the amount of such loss or damage be made good.

Confirmation

Confirmation and Commutation of Sentence by the Commander-in-Chief.

ACTS of 1847.

Article 76.—In cases wherein a sentence of death shall have been awarded by a General Court Martial, for any offence against discipline for which sentence of death is awardable under these Articles of War, the Commander-in-Chief may confirm such sentence and cause it to be carried into effect, or may, instead of causing such sentence to be carried into effect, order the offender, if an officer, to be transported for life, or to be imprisoned for any term of years, or to be dismissed; and, if a soldier, to be transported for life, or to be imprisoned, with or without hard labour, either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander-in-Chief may seem meet.

In cases of commissioned officers sentenced to transportation, the Commander-in-Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be dismissed. And in cases of commissioned officers sentenced to be dismissed from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be suspended from rank and pay and allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

And the Commander-in-Chief may commute a sentence of transportation passed on a soldier to imprisonment, with or without hard labour, and with or without solitary confinement (to be regulated as aforesaid); and such imprisonment may be either for the same period for which transportation shall have been awarded, or for any lesser period.

And the Commander-in-Chief may commute a sentence of corporal punishment to dismissal from the service; or in the case of a non-commissioned officer may mitigate such sentence to reduction to the ranks; or in the case of a non-commissioned officer or soldier may commute such sentence to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period not exceeding two years.

In cases of non-commissioned officers sentenced to be dismissed from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage except that of standing).

And in cases of offenders sentenced to imprisonment with hard labour, the Commander-in-Chief may mitigate such sentence by causing the offender to be reduced to the ranks, in the case of a non-commissioned officer; or in the case of a non-commissioned officer or soldier by directing that he be dismissed from the service; or suffer imprisonment without hard labour, and with or without solitary confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been sentenced to such imprisonment with hard labour.

Article 77.—A District or Garrison Court Martial shall consist of not less than seven commissioned officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than five commissioned officers. And such District or Garrison Court Martial may be composed of officers of the same regiment, and shall be assembled in conformity with the orders of the Commander-in-Chief.

And the sentence of a District or Garrison Court Martial shall be confirmed by the Commander-in-Chief, or by some officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander-in-Chief is empowered to remit, or mitigate, or commute the sentences of such Courts Martial, in the same manner as the sentences of General Courts Martial; and to delegate to or withhold from commanding officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the sentences of such Courts (not including forfeiture of pay or pension or other advantage), as the Commander-in-Chief may deem to be most expedient.

And in case of any sentence, including forfeiture of additional pay or of pension on discharge, or of any prospective advantage, such sentence shall not be

ACTS of 1847. carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

*Article 78.—A District or Garrison Court Martial may sentence any non-commissioned officer to be reduced to the ranks, or may sentence any non-commissioned officer or soldier to be dismissed from the service, or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing); or may sentence any soldier to suffer corporal punishment not exceeding 50 lashes, or imprisonment with or without hard labour not exceeding one year, and to be kept in solitary confinement (to be regulated as aforesaid).

And such Court Martial may, in addition either to corporal punishment or to imprisonment as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay, and to pension on discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And such Court Martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and, in addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

Article 79.—A Regimental Court Martial shall consist of not less than five commissioned officers, (unless it be found impracticable to assemble that number, when three may be sufficient), and shall be assembled by order of the officer commanding the regiment; and no sentence of a Regimental Court Martial shall be of force until the commanding officer shall have confirmed the same; provided that such commanding officer shall have power to remit all sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such commanding officer shall have power to confirm and carry into effect or to mitigate all sentences whatever passed by such Court; and to commute a sentence of corporal punishment to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period for which such Court is competent to sentence an offender to suffer imprisonment and in the same manner; and to mitigate a sentence of dismissal in the case of a non-commissioned officer, to reduction to the ranks; and to commute a sentence of imprisonment with hard labour, to dismissal; or to mitigate such sentence to reduction to the ranks, or to imprisonment without hard labour,

Powers of a Regimental Court Martial.

*Article 80.—A Regimental Court Martial may sentence any non-commissioned officer to be reduced to the ranks; or may sentence any non-commissioned officer or soldier to be dismissed from the service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing), or may sentence any soldier to suffer corporal punishment not exceeding 100 lashes; or imprisonment, with or without hard labour, for any period not exceeding six calendar months; and to be kept in solitary confinement (to be regulated as aforesaid).

Any such Court Martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition

addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages, not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

ACTS of 1847.

Article 81.—An officer commanding any detachment of his own regiment may assemble Regimental Detachment Courts Martial; and an officer commanding a detachment consisting of men of different corps, may assemble Detachment or Line Courts Martial; and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in regiments shall be taken to apply to Courts Martial held in detachments, in all practicable cases :

Provided that no officer on detached command of less than four troops or companies, or of detachments numerically equal to four troops or companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the sentence shall have been confirmed by the officer commanding the regiment to which the offender belongs, or by the nearest superior officer holding a command of not less than a regiment (who is hereby authorized to confirm the same, in like manner as an officer commanding a regiment is empowered to do), except in detached situations beyond sea or out of the British territories, or when on service in the field, or in cases where an immediate example is necessary and reference cannot be made to such commanding or superior officer without detriment to the service; when the officer commanding such detachment may exercise the powers which are vested in an officer commanding a regiment.

Article 82.—At all Courts Martial, it shall be competent to the officer convening the Court to instruct the Court, that should the prisoner be found guilty, and imprisonment form a part of the sentence, no portion of the imprisonment should be solitary; or, should corporal punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

Article 83.—In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

Article 84.—Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander-in-Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with hard labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every judge, magistrate, sheriff or other officer in charge of a gaol, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the officer commanding the station or regiment or detachment, within which the trial is held.

Article 85.—Whenever any soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander-in-Chief to order such offender to be transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander-in-Chief to think such prisoner not a proper subject for transportation.

ACTS of 1847.

Article 86.—Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander-in-Chief shall from time to time direct.

Article 87.—Every soldier sentenced to imprisonment with hard labour, shall, previous to undergoing such punishment, be struck off the strength of his corps from the date of confirmation of such sentence; and no soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

Article 88.—Offenders sentenced to dismissal for disgraceful conduct;

And offenders subject to corporal punishment, or to imprisonment with hard labour for disgraceful conduct, shall, on any such sentence being confirmed, be dismissed with ignominy.

Article 89.—In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander-in-Chief, for the payment of the amount so adjudged.

And no soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his pay and allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his pay and allowances.

Forms of Proceeding.

Article 90.—Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

Article 91.—At General Courts Martial a Judge Advocate, or an European officer of not less than 10 years' service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European officer of not less than four years' standing in the service, except in cases where no officer of that standing may be available, or the adjutant of the regiment, shall be appointed to conduct the proceedings.

Article 92.—An interpreter shall be appointed to all Courts Martial, and any interpreter or other competent person available at the station where the Court Martial may sit, shall be appointed, as occasion may require, by the officer commanding at such station, on application from the Judge Advocate or superintending officer at such Court Martial; but in situations where the services of an interpreter or other competent person are not available, the superintending officer at the Court Martial shall perform the duty of interpreter.

Article 93.—At all Courts Martial the senior officer shall sit as President, without being so appointed by warrant; provided that all subadar majors are to take precedence according to the dates of their commissions, and above all native officers holding the rank of subadar or jemadar; and that sirdar bahadoors and bahadoors shall rank only according to their respective commissions of subadar major, subadar or jemadar. Rissaldars and rissaidars will take rank with subadars, and naib rissaldars with jemadars, according to the dates of their respective commissions.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of members of which such Court is directed to consist by these Articles of War.

Article 94.—No finding or sentence of a Court Martial shall be revised more than once, and no evidence shall be received on such revision. For the purpose of such revision, the President and all the members shall be convened if possible; but if any of them should be unavoidably absent, the remaining members may proceed

proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same members do not meet, the circumstances are to be duly certified on the face of the proceedings. ACTS of 1847.

Manner of Voting.

Article 95.—All the members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of members present, provided the number of members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favour of the prisoner; the President at a Court Martial shall vote with the other members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

Article 96.—No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the members present concur therein, or four where the Court consist of five members, or five where the Court consist of seven.

Affirmations.

Article 97.—On the assembly of a Court Martial, the Judge Advocate or superintending European officer shall administer to the interpreter the following solemn affirmation:

“I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial in due course of law.”

In case of the unavoidable absence of an interpreter, the European superintending officer of a Court Martial inferior to General, shall make the solemn affirmation prescribed for the interpreter.

The Judge Advocate or superintending officer shall then cause the following solemn affirmation to be made by each member:

“I, A. B., solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour or affection, and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law.”

The following solemn affirmation shall then be administered by the interpreter to the Judge Advocate or superintending officer:

“I, A. B., solemnly affirm in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice, or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these solemn affirmations on the commencement of fresh trials before the same Court.

Article 98.—All persons who give evidence at a Court Martial are to be examined on oath according to the forms of their respective religions or on affirmation, and persons of the Hindoo or Mahomedan persuasion and other persons making affirmation, shall make affirmation to the following effect:

“I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

ACTS of 1847.

And if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

Article 99.—In all cases where persons required as witnesses before a Court Martial may not be amenable to military law, the Judge Advocate or commanding officer shall transmit to the magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

Article 100.—For the prompt and instant repression of all irregularities and crimes which may be committed by troops in the field and on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief, and their powers shall be regulated according to the established usages of war and rules of the service. Their duties are to take charge of prisoners confined for offences of a general description; to preserve good order and discipline; to prevent breaches of both, by soldiers and followers of the army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing breaches of good order and military discipline; provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the field, and that whatever may be the crime, the Provost Marshal or his assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a report shall be made to the Commander of the Army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good order and military discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General commanding the Forces in the field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of the East India Company's army and the public service.

Trials by European Courts Martial.

Article 101.—At any Presidency where the Native troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European commissioned officers, and the number of members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor-general of India in Council by a General Order to authorize the Native troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.—*Effects of the Dead.*

*Article 102.—When any officer or soldier, or any person receiving public pay drawn by any officer in charge of a public department belonging to the army, may die, or be killed in the service, the commanding officer of the regiment or party, or officer in charge of the department, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the adjutant, or officer in charge of the department:

*Article

*Article 103.—If there be no heir or executor on the spot, the effects are to be publicly sold; the commanding officer of the regiment or party, or officer in charge of the department, after discharging the debts of the deceased, viz. the expense of funeral ceremonies, his debts in camp or quarters, and regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the regimental register, or in failure of such to the legal representative of the deceased; and in the event of no executor, heir, or other representative of the deceased attending and establishing his claim within 12 months from the date of the casualty, the amount in the hands of the officer having charge of the estate is to be remitted to the general treasury at the Presidency.

SECTION V.—*Miscellaneous.*

Article 104.—The effects of deserters are to be publicly sold, and the proceeds, after payment of regimental debts, remitted by the officer commanding the corps to which the deserter belongs, to the general treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

Article 105.—All powers and provisions contained in these Articles relating to the Commander-in-Chief, shall be construed to extend to the Commander-in-Chief at any Presidency, and to the officer commanding the forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to soldiers, shall be construed to extend to non-commissioned officers, unless when otherwise provided.

Article 106.—When any portion of the troops belonging to one Presidency shall be serving within the limits of another Presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief, or commanding officer of the forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor-general in Council, in his executive capacity; to direct that the troops, or any part thereof, of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-Chief or commanding officer of the forces of the Presidency to which they belong, for all purposes of these Articles.

Article 107.—Any officer commanding any portion of the East India Company's troops which may at any time be serving in any place out of Her Majesty's dominions, or of the possessions or territories which are, or may be under the Government of the said Company, or of the territories of those states in alliance with the said Company in which the said Company's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's army, being under the immediate command of any such officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three officers, for the purpose of trying any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief the Army to which the division, brigade, detachment or party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate or remit the same; reporting the proceedings to the said General Commanding in Chief.

ACTS of 1847.

Article 108.—General Courts Martial only shall have the power to try commissioned officers; or to pass sentence of death or transportation on any offenders.

Article 109.—No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such soldier before a Court Martial or a Court of Justice, and shall inquire into the general character of such soldier, for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such soldier had, previously to his trial, received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all soldiers previous to trial.

*Article 110.—No non-commissioned officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the offender shall belong. Provided that no non-commissioned officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of non-commissioned officer; nor sentenced to suffer corporal punishment or imprisonment, without being first reduced to the ranks.

*Article 111.—Any officer or soldier thinking himself wronged by his superior or other officer, is to complain thereof to the commanding officer of his troop or company, by whom, if the grievance be not redressed, such officer, non-commissioned officer or soldier, may complain to the commanding officer of his regiment, who is hereby required to examine into such complaint, or remit it to his superior authority, as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial, in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labour.

Article 112.—In case of light offences, a commanding officer may, without the intervention of a Court Martial, award extra drill, with or without pack, for a period not exceeding 15 days; restriction to barrack limits not exceeding 15 days; confinement in the Quarter Guard or Defaulter's Room, not exceeding seven days; removal from staff situations or acting appointments; or may order soldiers to be employed in piling and unpling shot, and in cleaning accoutrements of men in hospital; but none of these descriptions of punishment shall be awardable by sentence of a Court Martial. And a commanding officer may award solitary confinement not exceeding seven days.

Provided that soldiers in confinement shall be liable to be ordered to attend ordinary drill.

Article 113.—Any officer or soldier who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in-Chief. And every officer or soldier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of pay granted to officers and soldiers of the Bengal army.

SECTION

SECTION VI.—*Mode of dealing with Offences not Military.*

Article 114.—In all places within the jurisdiction of any civil judicature, established by appointment of Her Majesty or of the said Company, officers and soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such civil judicature, shall be delivered over to a magistrate to be proceeded against according to law.

And all officers and soldiers are hereby required to assist the officers of justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

Article 115.—In any place within the limits of the Charter of the East India Company, whether in or out of the British territories, where there may be no civil judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by civil tribunals, such offences, when committed by officers or soldiers, shall be cognizable by Courts Martial.

Article 116.—General Courts Martial shall have cognizance ordinarily of offences punishable with death ;

Transportation for life ;

Imprisonment for life ;

Imprisonment for a period which may extend to 14 years ;

Imprisonment for a period which may extend to seven years.

Article 117.—District or Garrison Courts Martial shall have cognizance ordinarily of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

Article 118.—Regimental, Detachment or Line Courts Martial, shall have cognizance ordinarily of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

GENERAL COURTS MARTIAL.

Punishment of Death.

Article 119.—Any officer or soldier who shall be convicted by a General Court Martial of the crime of "murder" shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

Article 120.—Any officer or soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person, endangering the life of such person ; that is to say,

1st.—Breaking or attempting to break, by day or night, into any dwelling-house, tent, boat or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal ;

17.

F

2d.—Robbery

ACTS of 1847.

2d.—Robbery or attempt to rob ;

3d.—Stealing or attempting to steal in a house, or from the person ;

Shall be sentenced by such General Court Martial to imprisonment, with or without hard labour, and transportation for life.

Offences punishable by Imprisonment which may extend to Fourteen Years.

Article 121.—Any officer or soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other corporal injury to any person, not endangering the life of such person ;—or,

Article 122.—Of wounding, or administering poison with intent to murder, whether the person wounded or to whom poison is administered be the person whom the offender intended to murder or another ;—or,

Article 123.—Of robbery by open violence, or dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery ;—or,

Article 124.—Of breaking or attempting to break into any dwelling-house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;—or,

Article 125.—Of breaking into any such place or habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's rupees ;—or,

Article 126.—Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery, by open violence, or by theft or robbery, aggravated as described in Article 120 or Article 121 ;

Shall be sentenced by such General Court Martial to imprisonment, with or without hard labour, for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding Seven Years.

Article 127.—Any officer or soldier who shall be convicted by a General Court Martial of culpable homicide, not amounting to wilful murder ;—or,

Article 128.—Of premeditated affray, attended with homicide, or severe wounding, or other aggravating circumstance ;—or,

Article 129.—Of intentionally wounding, maiming or otherwise doing corporal injury to any person ;—or,

Article 130.—Of accidentally wounding, maiming or otherwise doing corporal injury to any person, with the intention of doing such injury to another person ;—or,

Article 131.—Of breaking into any dwelling-house, tent, boat or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ;—or,

Article 132.—Of stealing from any habitation, or from any person, any property exceeding 300 Company's rupees in value ;—or,

Article 133.—Of having purchased any property so stolen exceeding in value 300 Company's rupees, knowing it to have been stolen ;—or,

Article 134.—Of arson ;—or,

Article 135.—Of an unnatural crime ;—or,

Article 136.—Of rape ;—or,

Article 137.—Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of 15 years ;—or,

Article

Article 138.—Of stealing a child under the age of eight years ;—or,

ACTS of 1847.

Article 139.—Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper, established by Government ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries ; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit ;—or,

Article 140.—Of forging or procuring to be forged any counterfeit coin, in imitation of any of the gold, silver or copper coin of the British Government in India ; or of any coin usually received as money in the British territories ; or of clipping, filing, drilling or defacing any such coin ; or of paying or tendering in payment counterfeit coin, bank notes or other securities for money, knowing the same to be counterfeit, although such notes or securities shall be incomplete ;

Shall be sentenced by such General Court Martial to suffer imprisonment, with or without hard labour, for any period not exceeding seven years.

DISTRICT OR GARRISON COURTS MARTIAL.

Offences punishable by Imprisonment not exceeding Three Years.

Article 141.—It shall be competent to the Commander-in-Chief, and to any officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of death or imprisonment or transportation for life is not provided therein, to be tried for such offences before a District or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to imprisonment, with or without hard labour, for any period not exceeding three years.

Article 142.—Any officer or soldier who shall be convicted by a General, District or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding 300 Company's rupees, but exceeding 50 Company's rupees ;—or,

Article 143.—Of having purchased or received any stolen property of value not exceeding 300 Company's rupees, knowing it to have been stolen, but not under aggravating circumstances ;—or,

Article 144.—Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen ;

Shall be sentenced by such Court to suffer imprisonment, with or without hard labour, for any period not exceeding three years.

REGIMENTAL, DETACHMENT, OR LINE COURTS MARTIAL.

Offences punishable by Imprisonment not exceeding Six Months.

Article 145.—It shall be competent to any officer having authority to convene a Court Martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding imprisonment with hard labour for three years is therein provided, to be tried before Regimental or Detachment or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer imprisonment, with or without hard labour, for any period not exceeding six calendar months.

Offences punishable by Imprisonment from Six Months to One Year, according to the description of the Court.

Article 146.—Any officer or soldier who shall be convicted of stealing property to the value of 50 Company's rupees, or of less value ;—or,

ACTS of 1847.

Article 147.—Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances ;

Shall be sentenced to suffer imprisonment, with or without hard labour, for any period not exceeding one year, by the award of a General or District or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental or Detachment or Line Court Martial.

Offences punishable by Imprisonment from Six Months to Two Years, according to the description of the Court.

Article 148.—Any officer or soldier who shall be convicted of resisting the process of a magistrate or police officer ;—or,

Article 149.—Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War ;

Shall be sentenced to suffer imprisonment for any period not exceeding two years, by the award of a General Court Martial ; not exceeding one year, by the award of a District or Garrison Court Martial ; and not exceeding six calendar months, by the award of a Regimental or Detachment or Line Court Martial.

Article 150.—Any officer or soldier who shall be convicted by a General or District or Garrison or Regimental Court Martial of having been present, aiding and abetting, or of having caused, instigated or procured the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General or District or Garrison or Regimental Courts Martial respectively.

Article 151.—No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief, nor, if the trial shall have been held within the British territories forming part of either of the Presidencies of Fort William, Fort St. George and Bombay respectively, until such confirmation shall have been concurred in by the government of the Presidency where such trial shall have been held.

Article 152.—The Commander-in-Chief is authorized, at his discretion, to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment, with hard labour, and transportation for life, or into imprisonment, with hard labour, for any term of years.

Article 153.—No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized, at his discretion, to confirm any such sentence, or to commute it into imprisonment, with or without hard labour, for any period of time.

Article 154.—It shall be competent to any officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

Article 155.—A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by cashiering or dismissal from the service.

Article 156.—The regulations at present in force at any Presidency, by which the office and powers of commissariat officers, or officers in charge of the police, or superintendents of bazars, are defined and controlled ; or by which punchayets are constituted and guided ; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around cantonments ; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.—*Application of the Articles.*

ACTS of 1847.

Article 157.—All officers and soldiers; all drivers, farriers, trumpeters and drummers; all unattested recruits; all hospital attendants, sub-assistant surgeons, native doctors and dressers; all artificers and labourers, suttlers, followers, public and private, or others attached to or serving with any part of the army, are to be governed by these Articles, and subject to trial by Courts Martial.

Provided, that persons of European descent (whether on the side of their father or mother), professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article (and not being Her Majesty's natural-born subjects born in Europe, or the children of such subjects), shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European officers and soldiers in the service of the East India Company.

Promulgation of the Articles.

Article 158.—These Articles are to be translated into the several languages of the different Presidencies, and the parts following; viz. the second section, together with the following Articles in other sections which are marked with an * (asterisk); viz., 2, 4, 75, 78, 80, 102, 103, 110 and 111, are to be read once every three months at the head of every regiment, troop or company mustered in the service, and to every recruit at the period of his attestation.

ACT No. XX. of 1847.

Passed by the Right Honourable the Governor-General of India in Council,
on the 18th of December 1847.

AN ACT for the encouragement of Learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

WHEREAS doubts may exist whether the right called copyright can be enforced by the common law of England in those parts of the territories subject to the Government of the East India Company into which the common law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the territories subject to the Government of the East India Company:

And whereas, for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said territories:

And whereas it is doubtful whether the Act of Parliament 5 & 6 Vict., c. 45, intituled, "An Act to amend the Law of Copyright," although such Act extend to every part of the British dominions, has made appropriate and sufficient provision for the enforcement in every part of the said territories subject to the Government of the East India Company of the said right by proprietors thereof, and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any persons not being subject to the jurisdiction of the courts established by Her Majesty's Charter:

I. It is therefore hereby enacted, that the copyright in every book published in the lifetime of its author within the said territories, after the passing of the Act of Parliament 3 & 4 Will. 4, c. 85, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854," shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire

ACTS of 1847.

before the end of 42 years from the publication of such book, the copyright shall in that case endure for such period of 42 years; and that the copyright in every book published after the death of its author, and after the passing of the Act of Parliament last aforesaid, shall endure for the term of 42 years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: it is enacted, that it shall be lawful for the Governor-general in Council, on complaint made to them that the proprietor of the copyright in any book published after the passing of this Act within the said territories has, after the death of its author, refused to re-publish or to allow the re-publication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a license to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such license.

III. And it is hereby enacted, that a book of registry, wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books and assignments thereof, and licenses affecting such copyright, shall be kept in the office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of eight annas for every entry which shall be searched for or inspected in the said book; and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of two rupees; and such copies so certified shall be received in evidence in all courts and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of copyright or license as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make or cause to be made any false entry in the registry book aforesaid, or shall wilfully produce, or cause to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of a misdemeanor, and shall be punished with imprisonment, with or without hard labour, for a term not exceeding three years.

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of copyright in any book published after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, to make entry in the registry book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of two rupees to the said Secretary; and that it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the Court shall not be then sitting, to any judge of such Court sitting in chambers, for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a judge as aforesaid, such Court or judge shall make such order for expunging, varying or confirming such entry, either with or without costs, as to such Court or judge shall seem just; and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisitions of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print or cause to be printed, either for sale or exportation, any book in which there shall

shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender, if he shall have so offended within the local limits of the jurisdiction of any of the courts of judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such court, and if he shall have so offended in any other part of the territories subject to the Government of the East India Company, to a suit in the zillah court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there; and if he shall have so offended in any such last-mentioned part of the territories subject to the Government of the East India Company in which there is no zillah court, to a suit in the highest local court exercising original civil jurisdiction in such part of the said territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the courts of judicature established by Her Majesty's Charter, under the provisions of this Act, against any person for printing any such book for sale, hire or exportation, or for selling, publishing or exposing to sale or hire, or causing to be sold, published or exposed to sale or hire, or for having in his possession for sale or hire any such book so unlawfully printed, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not, at the trial or hearing of such action, be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein, and at such trial or hearing, no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein, than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time and place of publication, with the title, time and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act, in any such suit or action as last aforesaid brought in any zillah court or other local court as aforesaid, the defendant shall state in his answer all such matters as he means to rely on; and which, by the last preceding section, the defendant in any suit or action brought in any of the courts of judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall, within the said territories, before or at the time of the passing of this Act, but after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, have projected, conducted and carried on, or shall hereafter project, conduct or carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles or portions thereof for publication in or as part of the same, and such work, volumes, parts, essays, articles or portions shall have been or shall hereafter be composed under such employment, on the terms that copyright therein shall belong to such proprietor, projector, publisher or conductor, and paid for by such proprietor, projector, publisher or conductor, the copyright in every such encyclopædia, review, magazine, periodical work and work published

ACTS of 1847.

lished in a series of books or parts, and in every volume, part, essay, article and portion so composed and paid for, shall be the property of such proprietor, projector, publisher or conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books by this Act, except only that in the case of essays, articles or portions forming part of and first published in reviews, magazines or other periodical works of a like nature, after the term of 28 years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act: Provided always, that during the term of 28 years, the said proprietor, projector, publisher or conductor shall not publish any such essay, article or portion separately or singly, without the consent previously obtained of the author thereof or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining or having such right shall be entitled to the copyright in such composition, when published in a separate form, according to this Act, without prejudice to the right of such proprietor, projector, publisher or conductor as aforesaid.

XI. And it is hereby enacted, that the proprietor of the copyright in any encyclopædia, review, magazine, periodical work or other work published in a series of books or parts, shall be entitled to all the benefits of the registration in the office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work or other work published in a series of books or parts, the time of the first publication of the first volume, number or part thereof, or of the first volume, number or part first published after the passing of this Act, in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof.

XII. And it is enacted, that all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed without the consent of the registered proprietor of such copyright in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the jurisdiction of any of the courts of judicature established by Her Majesty's Charter, such registered proprietor shall be entitled to sue for and recover such copies, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover, and that if the case be within the jurisdiction of any zillah court or other local court as aforesaid, the registered proprietor shall be entitled to sue for and recover such copies, or damages for the detention or conversion thereof, in such form as is in use in the said zillah or other local courts for the recovery of specific personal property, or damages for the detention or conversion thereof.

XIV. And it is enacted, that no proprietor of copyright in any book first published after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, shall maintain under the provisions of this Act any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such copyright, unless he shall, before commencing such action, suit or proceeding, have caused an entry to be made in the book of registry at the office of the said Secretary of such book pursuant to this Act: Provided always, that the omission to make such entry shall not affect the copyright in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the courts of judicature established by Her Majesty's Charter
against

against any person or persons whomsoever, for doing or causing to be done anything in pursuance of this Act, the defendant or defendants in such action may plead the general issue and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath in the said last-mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations and other criminal proceedings for any offence which shall be committed against this Act shall be brought, sued and commenced within 12 calendar months next after such offence committed, or else the same shall be void and of none effect.

XVII. Provided always, and it is enacted, that nothing in this Act contained shall affect, alter or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, anything herein contained to the contrary notwithstanding.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book, and refer to the page of the Registry Book in which the original Entry of the Copyright thereof is made.)		

ACTS of 1847.

ACT No. XXI. of 1847.

Passed by the Right Honourable the Governor-General of India in Council on the 18th of December 1847.

AN ACT for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Bombay.

I. It is hereby enacted, that from and after the passing of this Act it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court, for the despatch of the criminal business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law, to all intents and purposes, as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Bombay may or shall have power to transact in term, it shall, in like manner, have power to transact out of term, and that all proceedings whatever before the said Court out of term shall be as good, valid and effectual in the law, to all intents and purposes, as fully as if the said proceedings were had in term; and that all rules and orders of the said Court as to all judgments, executions or other proceedings in term, shall be applicable and shall be applied to all judgments, executions or other proceedings given, issued or had out of term, as near as the same can be made applicable thereto, and the said Court shall issue such new rules and orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

 ACT No. XXII. of 1847.

Passed by the Right Honourable the Governor-General of India in Council on the 18th of December 1847.

To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold Real or Personal Property for the Improvement of the Town of Calcutta.

WHEREAS by Act XVI. of 1847, entitled, "An Act for constituting Commissioners for the Improvement of the Town of Calcutta, partly by Appointment of the Government, and partly by Election of the Rate-payers," provision was made for the appointment and election of such Commissioners, or, in default of election, for the appointment of the whole of such Commissioners :

And whereas it is expedient that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid in manner hereinafter mentioned :

And whereas it is probable that benevolent and public-spirited individuals, with the view of contributing to the improvement and adornment of the said town, may be desirous of settling real or personal property by deed or will upon such Commissioners :

I. It is therefore enacted, that the said Commissioners shall be trustees for and on behalf of the Government of Fort William in Bengal, and of the inhabitants of Calcutta ; and shall sue and be sued at law and in equity, in Her Majesty's Supreme Court of Judicature at Fort William, by the name of the Commissioners for the Improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase and hold lands, tenements, hereditaments, goods, chattels and other property, as such trustees for the purposes aforesaid.

II. And

II. And it is enacted, that whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners, or the amount of compensation shall not be settled by arbitration, as hereinafter provided, then the said Commissioners shall apply to the sheriff of Calcutta to summon a jury, and the said sheriff shall forthwith summon a jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings and grounds, with all appurtenances, as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings or tenements by agreement; it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings or tenements by this Act authorized to be taken, and which shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

IV. And it is enacted, that it shall and may be lawful for all parties being seised, possessed of, or entitled to any such lands, buildings or tenements, or any estate or interest therein, to sell and convey or release the same to the said Commissioners, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seised, possessed or entitled as aforesaid, so to sell, convey or release (that is to say) all corporations, tenants in tail or for life, married women seised in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability; and as to such trustees, executors and administrators on behalf of their cestui que trusts, whether infants, issue unborn, lunatics, females covert or other persons, and that to the same extent as such cestui que trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability or incapacity, and not having any power to sell or convey such lands except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements, shall in all cases be determined by the verdict of a jury to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seised in fee or entitled absolutely for his own benefit to any lands, buildings or tenements authorized to be purchased for the purposes of this Act, to sell and convey such lands, buildings or tenements, or any part thereof, unto the said Commissioners, in consideration of an annual rent-charge payable by the said Commissioners; but, except as aforesaid, the consideration to be paid for the purchase of any such lands, buildings or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings or tenements purchased by the said Commissioners for the purposes

ACTS of 1847.

poses of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners, as such rents become payable; and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may recover the same from the said Commissioners, with costs of suit, by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings or tenements shall either be served personally on such parties, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such parties shall be absent from the said town, or cannot be found, after diligent inquiry, such notices shall be left with the occupier of such lands, or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

X. And it is enacted, that if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the said Commissioners before they have issued their warrant to the sheriff to summon a jury in respect of such lands under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled by arbitration accordingly; but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or the umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

XI. And it is enacted, that when any question of disputed compensation by this Act authorized or required to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator, to which two arbitrators such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the said Commissioners under the hands of two of the said Commissioners, or of their clerk duly authorized by such two Commissioners, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate, under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made, and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail within fourteen days after such service to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XII. And it is enacted, that if, before the matters so referred shall be determined, any arbitrator appointed by either party shall die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing

writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he shall fail to do so, the remaining or other arbitrator may proceed to hear and determine the matters which shall be in dispute, and every arbitrator who shall be so substituted as aforesaid shall have the same power and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid.

XIII. And it is enacted, that where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XIV. And it is enacted, that if in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, any two of the magistrates of Calcutta shall on the application of either party to such arbitration appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this Act, shall be final.

XV. And it is enacted, that when a single arbitrator shall have been appointed as hereinbefore provided, and such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitrators under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

XVI. And it is enacted, that if, where more than one arbitrator shall have been appointed, either of the arbitrators refuse, or for seven days after the day of his appointment shall neglect to act, the other arbitrator may proceed to hear and determine the matters in dispute, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XVII. And it is enacted, that if where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, but such arbitrators shall fail to make their award within 21 days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XVIII. And it is enacted, that the said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath or solemn affirmation, and administer the oaths and solemn affirmation necessary for that purpose.

XIX. And it is enacted, that before any such arbitrator or umpire as aforesaid shall enter into the consideration of any matters referred to him, he shall, in the presence of a magistrate of Calcutta, make and subscribe the following declaration, that is to say,—

I, A. B., do solemnly and sincerely declare that I will faithfully and honestly to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Act XXII. of 1847.

A. B.

Made and subscribed
in the presence of

C. D.

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire having made such declaration, shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanor.

XX. And it is enacted, that all the costs of any such arbitration and incident thereto shall be settled by the said arbitrators and shall be borne by the said Commissioners, unless the arbitrators shall award the same or a less sum than shall have been offered by the said Commissioners, in which case each party shall

ACTS of 1847.

bear their own costs incident to the said arbitration, and the costs of the said arbitrators shall be borne by the parties in equal proportions.

XXI. And it is enacted, that the said arbitrators or the said umpire, as the case may be, shall deliver their award in writing to the said Commissioners, and the said Commissioners shall retain the same, and, on demand made at the office of their clerk, shall forthwith at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all reasonable times when thereunto required produce the said award, and allow the same to be inspected or examined at the office of their said clerk by such party or any person appointed by him for that purpose.

XXII. And it is enacted, that the submission to any such arbitration as aforesaid may be made a rule of the said Supreme Court on the application of either or any party thereto, and may be enforced against all necessary parties by any rule, order or decree of the said Court, notwithstanding that any or either of the said parties are not otherwise subject to the jurisdiction of the said Court.

XXIII. And it is enacted, that no award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

XXIV. And it is enacted, that in every case in which a dispute or difference shall arise between the said Commissioners and any person or persons whose property they may intend or desire to purchase for the purposes of this Act, as to the amount of compensation to be paid for the said property, which difference and dispute either of the said parties shall refuse to settle by arbitration, the said Commissioners shall issue a warrant in writing, signed by any one of them, and sealed with their common seal, to the sheriff of Calcutta, requiring him to summon a jury for the purpose of settling the said difference or dispute; and if such sheriff be interested in the matter in dispute, such warrant shall be addressed and sent to the coroner of Calcutta, and if the said sheriff and the said coroner be both of them interested in the said matter, then the said warrant shall be addressed and sent to the last person who shall have filled the office of sheriff of Calcutta who is not interested in the said matter, and who is at the time of the issuing the said warrant an inhabitant of the said town of Calcutta, and every such sheriff, coroner, or ex-sheriff shall have power if he think fit to appoint a deputy or assessor.

XXV. And it is enacted, that throughout the enactments contained in this Act relative to a reference to a jury, where the term "sheriff" is used, the provisions applicable thereto shall be held to apply to every coroner or other person lawfully acting in the place of the sheriff, and in every case in which any such warrant as aforesaid shall have been directed to any other person than the said sheriff of Calcutta, such sheriff shall, immediately on receiving notice of the delivery of the warrant, on application being made to him for that purpose, deliver over to the person to whom the said warrant shall have been directed, or to any other fit and proper person appointed by him to receive the same, the jurors' book and special jurors' list for the town of Calcutta.

XXVI. And it is enacted, that upon the receipt of such warrant as aforesaid, the sheriff shall summon a jury of 10 indifferent persons duly qualified to act as common jurymen in Her Majesty's Supreme Court of Judicature aforesaid, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than 14 nor more than 21 days after the receipt of such warrant, and such place not being more than two miles from the lands, buildings or tenements concerning and relating to which the said difference or dispute shall have arisen, unless by consent of the parties interested some other time and place be agreed upon and settled, and the said sheriff shall forthwith give notice to the said Commissioners of the time and place so appointed by him.

XXVII. And it is enacted, that out of and from the number of jurors appearing upon such summons as aforesaid, a jury of five persons shall be drawn by the said sheriff in such manner and form as juries for trials of offences before the said Supreme Court are by the rules and orders of the said Court required to be drawn; and if a sufficient number of the jurymen so summoned as aforesaid do not appear in obedience to such summons as aforesaid, the sheriff shall return
other

other indifferent men, duly qualified as aforesaid, of the bye-standers, or others that can speedily be procured, to make up the jury to the said number of five persons; and the said Commissioners and all other parties interested in the said lands, buildings or tenements may have and make their challenges against any of the said jurymen, according to the course and practice of the said Supreme Court, but neither the said Commissioners nor any of the said parties interested as aforesaid shall challenge the array.

XXVIII. And it is enacted, that in every such inquiry as aforesaid the said sheriff shall preside, and the party or parties claiming compensation from the said Commissioners shall be deemed the plaintiff or plaintiffs, as the case may be, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law in the Court of Queen's Bench at Westminster; and if the said Commissioners, or any persons interested in the said lands, buildings or tenements so request in writing, the said sheriff shall summon before him any person who shall by the said Commissioners, or any person interested as aforesaid, be considered necessary to be examined as a witness touching the matters in question, and on the like request the said sheriff shall order the said jury to view the place or matter in controversy, in like manner as views may be had in the trial of actions at law in the Court of Queen's Bench at Westminster.

XXIX. And it is enacted, that if the said sheriff make default in any matter hereinbefore required to be done by him in relation to any such trial or inquiry as aforesaid, he shall forfeit and pay the sum of 500 rupees for every such offence, and such penalty shall be recoverable by the said Commissioners by an action of debt or on the case in the said Supreme Court; and if any person summoned or returned upon any jury under this Act, whether common or special, do not appear, or if appearing do refuse to make such lawful oath or affirmation as the said sheriff may require, or in any other manner wilfully neglect his duty, he shall, unless he show reasonable excuse for the said default or neglect to the satisfaction of the said sheriff, forfeit a sum not exceeding 100 rupees; and every such penalty as aforesaid payable by a sheriff or jurymen as aforesaid shall be applied in satisfaction of the costs of the said inquiry, so far as the same will extend; and in addition to the penalty hereby imposed as aforesaid, every such jurymen shall in all respects be subject to the same regulations, pains and penalties as if such jury were returned for a trial in the said Supreme Court.

XXX. And it is enacted, that if any person who shall have been duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness on any such inquiry, refuse to be examined on oath or affirmation touching the subject-matter in dispute, every person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding 100 rupees; and that any person examined on oath or affirmation touching the subject-matter in dispute who shall wilfully and falsely state any matter which, if wilfully and falsely stated by such person in any court of justice in which such subject-matter might be in dispute, would amount to wilful and corrupt perjury, shall be guilty of wilful and corrupt perjury.

XXXI. And it is enacted, that the said Commissioners shall give to all parties interested in any lands, buildings or tenements, concerning or relating to which any inquiry hath been appointed to be held by the said sheriff, notice of the time and place of such inquiry, not less than 10 days before the same is to be held; and the said notice shall be in writing, and shall be served on each of the said parties personally, or left at his last known place of abode in the said town, or if he have no such place of abode, then the said notice of every such person shall be twice publicly advertised in one or more of the newspapers published within the said town.

XXXII. And it is enacted, that if at any such inquiry any party claiming compensation shall fail to appear in person, or by his counsel or agent, such inquiry shall not be proceeded with, so far as concerns the compensation claimed by such absent party; but the compensation to be paid by the said Commissioners to such absent party shall be settled and determined by a surveyor, to be named and appointed by any two of the magistrates of Calcutta, without prejudice to

ACTS of 1847.

such inquiry then and there proceeding before such sheriff, so far as concerns any compensation claimed by any other party or parties interested in such compensation in respect of the same premises who shall so appear.

XXXIII. And it is enacted, that before any jury shall proceed on any such inquiry as aforesaid, to inquire of and assess compensation or damages in respect of which their verdict is to be given, they shall make oath, or if they object to make oath, they shall make a solemn affirmation, that they will truly and faithfully inquire of and assess such compensation or damages; and the said sheriff shall administer such oaths and affirmations, as well as the oaths and affirmations of all persons called upon to give evidence.

XXXIV. And it is enacted, that where such inquiry as aforesaid shall relate to the value of any lands, buildings or tenements to be purchased, and also to compensation claimed for injury done or to be done to any other lands, buildings or tenements held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands, buildings or tenements required by the said Commissioners, or of any interest therein, belonging to the party or parties with whom the question of disputed compensation shall have arisen, or which, under the provisions herein contained, he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, sustained or to be sustained by the said party or parties by reason of the severing of the lands, buildings or tenements taken from the other lands, buildings or tenements of the said party or parties, or otherwise injuriously affecting such last-mentioned lands, buildings or tenements by the exercise of the powers conferred by this Act.

XXXV. And it is enacted, that the sheriff before whom such inquiry as aforesaid shall be held shall give judgment for the purchase-money or compensation assessed by such jury as aforesaid, and the verdict and judgment shall thereupon be signed by such sheriff, and, being so signed, shall be delivered to and kept by the keeper of the records in the said Supreme Court, among the records of the said Supreme Court; and such verdicts and judgments shall be deemed records, and the same, or true copies or exemplifications thereof, shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies or exemplifications thereof, or extracts therefrom, on paying for each inspection of any such verdict and judgment the sum of eight annas, and for every 100 words copied or extracted therefrom four annas, which copies, exemplifications or extracts the said keeper of the records is hereby required to make out and sign, and certify the same to be true.

XXXVI. And it is enacted, that on every such inquiry before a jury as aforesaid, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the said Commissioners, all the costs of such inquiry shall be borne by the said Commissioners; but if the verdict of the jury shall be for the same or a less sum than the sum previously offered by the said Commissioners, one-half of the costs of summoning, impanneling and returning the jury, and of taking the inquiry and of recording the verdict and judgment thereon, shall be defrayed by the parties claiming the said compensation or purchase-money, and the other half by the said Commissioners, and each party shall bear his own costs, other than as aforesaid, incident to such inquiry.

XXXVII. And it is enacted, that the costs of any such inquiry as aforesaid shall, in case of differences arising regarding the same, be settled by the taxing officer of the said Supreme Court on the application of either party; and such costs shall include all reasonable costs, charges and expenses incurred in summoning, returning and impanneling the jury taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, the recording the verdict and judgment thereon, and otherwise incident to such inquiry.

XXXVIII. And it is enacted, that if any such costs shall be payable by the said Commissioners, and if within seven days after demand duly made at the office of the clerk of the said Commissioners such costs be not paid to the party entitled to receive the same, they may and shall be recoverable by distress, and on application to any magistrate of Calcutta he shall issue his warrant accordingly; and if any such costs shall be payable by the owner of any lands, buildings or tenements, or if any interest therein, the same may be deducted and retained by the said Commissioners out of any money awarded by the jury to such owner,

or

or determined by the valuation of a surveyor under the provision hereinafter contained; and the payment or deposit of the remainder, if any, of such money, shall be deemed payment and satisfaction of the whole thereof; or if such costs shall exceed the amount of the money so awarded or determined, the excess may and shall be recoverable by distress, and on application to any magistrate of Calcutta he shall issue his warrant accordingly.

-XXXIX. And it is enacted, that if either party in such case of disputed compensation as aforesaid desire such question to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if given by the other party, be given to the said Commissioners before they have issued their warrant as aforesaid to the sheriff, and for that purpose the said Commissioners shall, by their warrant to the sheriff, require him to nominate a special jury of five jurors for such trial, and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon the said Commissioners and the said other party to appear before him, by themselves or their attorneys, at some convenient time and place to be appointed by him, for the purpose of nominating a special jury (not being less than five nor more than eight days from the service of such summons); and at the time and place so appointed, the said sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries shall be required by the rules and orders of the said Supreme Court for trials in the said court, except as far as such rules may be inconsistent with the number of which the juries under this Act are to consist; and the said sheriff shall appoint a day, not later than the eighth day after the striking of such jury, for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the said Commissioners and the said other party, and on the day so appointed the sheriff shall proceed to reduce the said special jury to the number of eight, in the manner used and accustomed in the said Supreme Court.

XL. And it is enacted, that the special jury on such inquiry as last aforesaid shall consist of five of the said eight who shall first appear on the names being called over, the said Commissioners and the said other party having respectively their lawful challenges against any of the said jurymen; and if a full jury of five do not appear, and if after such challenges a full jury of five do not remain, then, upon the application of the said Commissioners or of the said other party, the sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen in the said Supreme Court who shall not have been previously struck off the aforesaid list, and who may be then in attendance before the said sheriff, or can speedily be procured, so as to complete such special jury, the said Commissioners and the said other party having respectively their lawful challenges against such persons; and the sheriff shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable, as hereinbefore provided in the case of a trial by a common jury.

XLI. And it is enacted, that any other inquiry than that for the trial of which such special jury, may have been struck and reduced as aforesaid may be tried by such jury, provided the said Commissioners and all the other parties interested therein respectively shall give their consent to such trial.

XLII. And it is enacted, that where the purchase-money or compensation to be paid by the said Commissioners for any lands, buildings or tenements to be purchased or used by the said Commissioners, shall be payable to any person who by reason of absence from the Presidency of Bengal is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury, as hereinafter provided, after due notice thereof given to him, such purchase-money or such compensation to be paid for any permanent injury to such lands, buildings or tenements shall be such as shall be determined by the valuation of such able practical surveyor as two of the magistrates of Calcutta aforesaid shall nominate for that purpose, as hereinafter provided.

XLIII. And it is enacted, that, upon application of the said Commissioners, two of the magistrates of Calcutta aforesaid, and upon such proof as shall be satisfactory to them that any such party is by reason of absence prevented from treating, or cannot after diligent inquiry be found, or that such party failed to

ACTS of 1847.

appear on such inquiry before a jury as aforesaid after due notice given to him for that purpose, such magistrates shall, by writing under their hands, nominate an able practical surveyor, approved by the said Commissioners, to determine the amount of such purchase-money or compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing signed by him of the correctness thereof.

XLIV. And it is enacted, that before any such surveyor shall enter upon the duty of making such valuation as aforesaid, he shall, in the presence of such magistrates, or one of them, make and subscribe the declaration following at the foot of such nomination by the said magistrates as aforesaid; that is to say,

I, A. B., do solemnly and sincerely declare, that I will faithfully, impartially and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed
in the presence of

C. D.

And if any such surveyor shall corruptly make such declaration, or, having made such declaration, shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanor.

XLV. And it is enacted, that the said nomination and declaration shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the clerk to the said Commissioners, and he shall at all reasonable times produce at his office the said valuation and other documents on demand to the owner of lands, buildings or tenements comprised in such valuation, and to all other parties interested therein.

XLVI. And it is enacted, that in estimating the purchase-money or compensation to be paid by the said Commissioners in any of the cases aforesaid, regard shall be had by the magistrates, arbitrators or surveyors, as the case may be, not only to the value of the lands, buildings or tenements to be purchased by the said Commissioners, but also to the damage, if any, to be sustained by the owners of the lands, buildings or tenements by reason of the severing of the said lands, buildings or tenements taken from other lands, buildings or tenements of such owner, or otherwise injuriously affecting such other lands, buildings or tenements by the exercise of the powers of this Act.

XLVII. And it is enacted, that where the compensation payable in respect of any lands, buildings or premises, or any interest therein, shall have been ascertained by the valuation of a surveyor, and deposited as hereafter provided, by reason that the owner of or party entitled to convey such lands, buildings and tenements, or such interest therein as aforesaid, could not be found or was absent, and such owner or party shall be dissatisfied with such valuation, it shall be lawful for him, before he shall have applied, as hereinafter provided, for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the said Commissioners to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

XLVIII. And it is enacted, that the question to be submitted to the arbitrators in the case last aforesaid, shall be whether the said sum so deposited as aforesaid by the said Commissioners was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

XLIX. And it is enacted, that if the arbitrators shall award a further sum to be paid or deposited by the said Commissioners, they shall pay or deposit, as the case may require, such further sum within 14 days after the making of such award, or in default thereof, the same may be recovered, with cost, by action or suit in the said Supreme Court.

L. And it is enacted, that if the arbitrators shall determine that the sum so paid or deposited was sufficient, the costs of and incident to such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators; but if the arbitrators shall determine that a further sum ought to be paid or deposited by the said Commissioners, all the costs of and incident to the arbitration shall be borne by the said Commissioners.

LI. And

LI. And it is enacted, that if any party shall be entitled to any compensation in respect of any lands, buildings or tenements, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works of the said Commissioners, and for which the said Commissioners shall not have made satisfaction under the provisions of this Act, such party may have the same settled either by arbitration or by the verdict of a jury, as he shall think fit; and if the said party desire to have the same settled by arbitration, it shall be lawful for him to give notice in writing to the said Commissioners of such his desire, stating in such notice the nature of the interest in such lands, buildings or tenements in respect of which he claims compensation, and the amount of the compensation so claimed therein, and unless the said Commissioners be willing to pay the amount of the compensation so claimed, and shall enter into a written agreement for that purpose within 21 days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the said Commissioners, stating such particulars as aforesaid, and unless the said Commissioners be willing to pay the amount of compensation so claimed, and enter into a written agreement for that purpose, they shall within 21 days after the receipt of such notice issue their warrant to the sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of the compensation so claimed, and the same may be recovered by him by action of debt or on the case in the said Supreme Court.

LII. And it is enacted, that so soon as the amount of the purchase-money or compensation to be paid by the said Commissioners in respect of any lands, houses, tenements or hereditaments, or any interest therein, shall be ascertained, fixed, awarded or settled in any of the modes sanctioned and appointed by this Act as aforesaid, if the said lands, houses, tenements or hereditaments shall have been purchased or taken by the said Commissioners from any person or persons not entitled to sell or convey the same, except under the provisions of this Act, as being tenant for life or in tail, married women, guardian, committee, trustee, executor or administrator, or person having a partial or qualified interest therein, or who shall refuse to accept such purchase-money or compensation, or neglect or fail to make out a title to such lands, houses, tenements or hereditaments, or to the interest therein claimed by him, to the satisfaction of the said Commissioners, or shall refuse to convey or release the same, or shall be absent from the Presidency of Bengal, or cannot after diligent inquiry be found, the said Commissioners are hereby empowered and required forthwith to invest the said purchase-money or amount of compensation in some of the securities or promissory notes of the East India Company, commonly called Company's paper, at the current price of the day, and to deposit the same with the Government agent at Fort William aforesaid, in the name and with the privity of the Accountant-general, of the said Supreme Court, to be placed by him to the account of such Accountant-general to the credit of the parties interested, or who may be or become interested in such lands, houses, tenements or hereditaments, describing both them and the said parties so far as the said Commissioners can do pursuant to the course of proceeding in the said Court under the rules, order and regulations of the said Court regarding monies paid into the said Court in matters and causes depending before it on its equity side; and such securities shall remain so deposited, and the interest thereon shall be regularly received by the said Government agent and credited to the said account, and when and so often as the said interest so received by the said Government agent shall amount to a sufficient sum for that purpose, such interest shall be invested by the said Government agent from time to time in other such securities as aforesaid, and such monies, principal and interest, shall remain so invested and deposited until the same be applied under the authority of the said Court, upon the petition of the party who would have been entitled to the rents and profits of the lands, houses, tenements and hereditaments in respect of which such monies shall have been deposited, to some one or more of the following purposes; that is to say, in the discharge of any debt or incumbrance affecting the lands, tenements and hereditaments in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts or purposes, or in the purchase of other lands, tenements or hereditaments to be conveyed, limited and settled upon the like uses, trusts and purposes, and in the same manner as the lands, tenements or

ACTS of 1847. hereditaments in respect of which such money shall have been paid, stood settled; or if such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of the works in removing or replacing such buildings or substituting others in their stead, or in payment to any person who shall become absolutely entitled to such money, and until such monies can or shall be so applied, the interest, dividends and annual proceeds of such Company's paper shall and may, upon the like petition and order, be paid to the party or parties who would for the time being have been entitled to receive the rents and profits of the said lands, houses, tenements and hereditaments.

LIII. And it is enacted, that where any purchase-money or compensation paid as aforesaid under the provisions of this Act shall have been paid in respect of any lease for a life or lives, or years, or any estate in lands, tenements or hereditaments less than the whole fee-simple thereof, or in respect of any reversion dependent on any such lease or estate, it shall be lawful for the said Supreme Court, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate or reversion in respect of which such money shall have been paid, or as near thereto as may be.

LIV. And it is enacted, that upon payment or deposit in manner hereinbefore mentioned of the purchase-money or compensation agreed or awarded to be paid in respect of any lands, tenements or hereditaments purchased or taken by the said Commissioners under the provisions of this Act, the owners of and all parties by this Act enabled to sell or convey such lands, tenements and hereditaments shall, when required so to do by the said Commissioners, duly convey such lands to the said Commissioners, or as they shall direct; and in default thereof, or if such party fail to adduce a good title to such lands, tenements and hereditaments to the satisfaction of the said Commissioners, it shall be lawful for the said Commissioners, if they think fit, to execute a deed of sale under their common seal, containing a description of the lands, tenements and hereditaments in respect of which such default shall be made, and reciting the purchase or taking thereof, and the names of the parties from whom the same were purchased or taken, and the payment made in respect thereof, and declaring the fact of such default having been made, and thereupon all the estate and interest in such lands, tenements and hereditaments of, or capable of being sold and conveyed by the party with whom the said Commissioner shall have made such agreement, or to whom such purchase-money or compensation shall have been awarded by a jury or by arbitrators, or by a surveyor appointed by any magistrate or magistrates, or as hereinbefore provided, shall vest absolutely in the said Commissioners, and as against such parties, and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the said Commissioners shall be entitled to immediate possession of such lands, tenements and hereditaments.

LV. And it is enacted, that if the owner of any such lands, tenements and hereditaments purchased or taken by the said Commissioners, or of any interest therein, on tender of the purchase-money or compensation agreed or awarded to be paid in respect thereof, shall refuse to accept the same, or neglect or fail to make out a title to such lands, tenements and hereditaments, or to the interest therein claimed by him, to the satisfaction of the said Commissioners, or if he refuse to convey or release such lands, tenements and hereditaments as directed and required by the said Commissioners, or if any such owner be absent from the Presidency of Bengal, or cannot after diligent inquiry be found or fail to appear on the inquiry before a jury as hereinbefore provided, it shall be lawful for the said Commissioners to place the purchase-money or compensation payable in respect of such lands, tenements and hereditaments, or any interest therein, to the credit of the parties interested in such lands, tenements and hereditaments (the said parties being described so far as the said Commissioners can describe them), subject to the control and disposition of the said Supreme Court; and it shall be lawful for the said Commissioners, if they shall think fit, to execute a deed of sale under their common seal containing a description of the lands, tenements and hereditaments in respect whereof such purchase-money or compensation shall have been placed to credit, and declaring the circumstances under which and the names of the parties to whose credit such purchase-money or compensation shall

shall have been placed, and thereupon all the estate and interest in such lands, tenements and hereditaments of the parties for whose use and in respect whereof such purchase-money or compensation shall have been placed to credit, shall vest absolutely in the said Commissioners, and as against such parties they shall be entitled to immediate possession of such lands, tenements and hereditaments.

LVI. And it is enacted, that upon the application by petition of any party making claim to the money so placed to credit as last aforesaid, or any part thereof, or to the lands, buildings or tenements in respect whereof the same shall have been so placed to credit, or any part of such lands, buildings or tenements, or any interest in the same, the said Supreme Court on its equity side may in a summary way, as to the said Court shall seem fit, order such money to be laid out or invested in Company's paper and deposited as aforesaid with the said Government agent, and may order distribution thereof, or payment of the interest thereof, according to the respective estates, titles or interests of the parties making claim to such money, lands, buildings or tenements, or any part thereof, and may make such other order in the premises as to the said Court shall seem just.

LVII. And it is enacted, that the said Commissioners shall not be deemed necessary or competent parties to any such proceeding in the said Supreme Court, but that due notice shall be given, according to the course and practice of the said Court in matters before it by summary petition, by the party or parties petitioning to all other parties interested, to whom it shall be competent to appear in such summary suit to defend and maintain their respective right and interests.

LVIII. And it is enacted, that the said Commissioners may, with the consent of the said Governor, sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof, either together or in parcels, as they may find most convenient and advantageous, and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act, or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase-money; and for the completing and carrying any such sale into effect the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof, and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act the word "grant" shall operate as express covenants by the said Commissioners for themselves and their successors with the respective grantees therein named, and their successors, heirs, executors, administrators or assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows, except as far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say) a covenant that, notwithstanding any act or default done by the said Commissioners, they were at the time of the execution of such conveyance under and by virtue of the provisions of this Act possessed of the lands or premises granted thereby for an indefeasible estate of inheritance in fee-simple free from all incumbrances done or occasioned by them or otherwise for such estate or interest as therein expressed to be thereby granted free from incumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expenses incurred or to be incurred by the said Commissioners in carrying into effect the provisions of this Act, or of Act No. XVI. of 1847, it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized, subject in each case to the approval of the Governor aforesaid, to be signified in writing, to borrow and take up at interest on the credit of the rates, taxes and duties authorized to be made, levied and received by the said Commissioners from any person who shall be willing to advance the same, the sum and sums of money necessary for defraying the costs, charges and expenses incurred or to be incurred by the said Commissioners in carrying into effect with the least possible delay the provisions of this Act, or of Act No. XVI. of 1847; and for securing the repayment of such sum or sums of money, with such interest thereon as shall be agreed upon between the said Commissioners and the person or persons lending or advancing the same,

ACTS of 1847. the said Commissioners may mortgage and assign over the said rates, taxes, tolls, and duties, or any part thereof, to the person or persons who shall advance such money, or to a trustee or trustees on his or their behalf, as security for the money so to be borrowed, together with interest upon the same ; and no assessment, tax, toll or duty over which any such mortgage shall have been granted shall be repealed, in whole or in part, until such mortgage shall be paid off, unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that, in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required yearly and every year to deduct, appropriate and set apart, and apply out of the rates aforesaid such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid upon the said assessments, taxes and duties, as and for a sinking fund, to be applied in paying off and discharging the principal monies so borrowed or secured, and from time to time cause the amount of such sinking fund to be invested in the securities of the East India Company called Company's paper, and such Company's paper to be deposited from time to time in the hands of the Government agent, who is hereby empowered and required to increase the same by investing the interest payable thereon as the same shall become due and payable in the purchase of other Company's paper, and so on from time to time, so that the said sinking fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them or some part of some one of them, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes and duties authorized to be made under the provisions of this Act, shall be by deed, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them, at the least, at one of their annual, quarterly or special meetings, and may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect ; and the respective mortgagees shall be entitled, one with another, to their respective proportions of the assessments, taxes, tolls and duties comprised in such mortgages, according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another, by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall from time to time be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And it is enacted, that a register of all the said mortgages shall be kept by the clerk of the said Commissioners, and within 14 days after the date of any mortgage, an entry or memorial, specifying the number and date of such mortgage, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in the said register, and the said register may be perused at all reasonable times by any mortgagee or by any person interested in any such mortgage, without fee or reward.

LXV. And it is enacted, that from time to time, any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed, wherein the consideration shall be truly stated ; and every such transfer may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

LXVI. And it is enacted, that within 30 days after the date of every such transfer, if executed within the territories subject to the Government of the East India Company, or otherwise, within 30 days after the arrival thereof within the said territories, it shall be produced to the said clerk, and thereupon the said clerk shall make an entry or memorial thereof in the register aforesaid, in the same manner as in the case of an original mortgage, and for such entry the said clerk may demand and receive a fee, not exceeding two rupees, and after such entry every such transfer shall entitle the transferee, his executors, administrators and assigns, to the full benefit of the original mortgage, and the principal and interest secured thereby ; and such transferee may in like manner assign or transfer

transfer the same again, and *toties quoties*, and it shall not be in the power of any person, except the person to whom the said mortgage shall have been last transferred, his executors, or administrators or assigns, to make void, release or discharge the original mortgage, or the monies due thereon or secured thereby.

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the powers of this Act, all the estate, property, right and interest by such mortgage vested in the mortgagee, his heirs, executors, administrators or assigns, shall without any transfer or release, or any other act or deed whatsoever, immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages, it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off by lot or ballot, and shall cause a notice, signed by their clerk, to be given to the person entitled to the money to be paid off, pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at the office of the clerk of the said Commissioners, on a day and at an hour, to be specified at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted, that the said Commissioners may, if they think proper, fix a period for the repayment of the whole of the principal money borrowed on any one mortgage, under the provisions of this Act, with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed, the party entitled to receive such money, may, at the expiration, or at any time after the expiration of 12 months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by a mortgagee or creditor, shall be delivered to the clerk aforesaid, or left at his office, and if given by the said Commissioners, shall be given either personally to such mortgagee or creditor, or left at his residence, or if his present residence be not known, then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry, and his last place of abode be unknown, such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage, then at the expiration of such notice all further interest shall cease to be payable on such mortgage, unless demand of payment be made pursuant to such notice, and unless, on such demand being duly made, the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee or other person entitled to receive payment of the money secured by any such mortgage, to enforce the payment of the principal money and interest due thereon, by applying for the appointment of a receiver, in the manner hereinafter provided; but, in order to authorize the appointment of such receiver, the amount of money owing to the mortgagee or mortgagees, or creditor or creditors, by whom the application is made, shall not be less than 10,000 rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee or other creditor

ACTS of 1847. as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent court or courts of law or equity) may, if his debt amount to the sum of 10,000 rupees, alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrears, after demand as aforesaid, shall together with his amount to the said sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William, in Bengal, and on any such application, it shall be lawful for such Justice or Justices by order in writing, after hearing the parties, to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest, or principal and interest, as the case may be, together with all costs, including the charges of receiving the rates and assessments, until the said principal and interest, together with all such costs and charges be fully paid; and upon such appointment being made all such rates and assessments as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest and costs, have been so received, the power of such receiver shall cease.

SCHEDULE (A.)

FORM OF MORTGAGE DEED.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council No. XVI. and No. XXII. of 1847, We, the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B. of do hereby assign unto the said A. B., his executors, administrators and assigns, all the rates and sums of money arising in the town of Calcutta, by virtue of the said Acts, and all the estate, right, title and interest of the said Commissioners in the same: To hold unto the said A. B., his executors, administrators and assigns, until the sum of together with interest for for the same at the rate of for every hundred rupees by the year, be satisfied (the principal sum to be repaid at the of years from the date hereof), (in case any certain period be agreed upon for that purpose.)

Given under our common seal this day of in the year of our Lord and signed by us at our meeting on the said day.

A. B. Commissioner.
C. D. "
E. F. "

SCHEDULE (B.)

FORM OF TRANSFER OF MORTGAGE.

I, A. B., of in consideration of the sum of paid to me by G. H. of do hereby transfer to the said G. H., his executors, administrators and assigns, a certain mortgage, Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest (or, if such transfer be by indorsement, the within security), and all my right, estate and interest in and to the money thereby secured, and in and to the rates and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord

A. B. (L. s.)

ACT

ACT No. XXIII. of 1847.

ACTS of 1847.

Passed by the Right Honourable the Governor-general of India in Council
on the 31st of December 1847.

AN ACT for the Amendment of Act No. XXXI. of 1838.

WHEREAS by Act No. XXXI. of 1838, section 17, it is enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding 15 years, nor less than 10 years, or to be imprisoned for any term not exceeding three years;

It is hereby enacted, that so much of the above-cited section. of the said Act as enacts that the term of transportation thereby limited shall not be for less than 10 years, be repealed.

ACTS of the Government of India. 1848.

ACT No. I. of 1848.

ACTS of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 22d January 1848.

AN ACT to regulate the Proceedings in certain Cases of Forgery.

It is hereby enacted, that within the territories subject to the Presidency of Fort William, in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the magistrates of the several zillahs and cities shall not receive any charges of forgery, or of procuring or causing forgery, or of fraudulently issuing and publishing as true, or otherwise fraudulently giving effect to, or attempting to give effect to false and fabricated deeds and papers, knowing the same to be false and fabricated, which may be preferred by parties to civil or criminal cases, in respect to deeds and papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following section.

II. And it is hereby enacted, that in cases pending before any civil or criminal court (except the court of the magistrate, or of any officer exercising the committing powers of a magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the magistrate a charge of any of the offences specified in section I. of this Act, the court shall send the party or parties accused in custody to the magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses who have given such evidence to appear before the magistrate, who shall thereupon receive such charge, and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in sessions judges in cases of forgery, by section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by clause 2, section 14, Regulation XVII. of 1817, of the said code, in zillah and city judges, of committing persons chargeable with perjury or subornation of perjury in cases pending before such judges, are hereby vested in Principal Sudder Ameeris in civil cases pending before them, and the Principal Sudder Ameeris and the magistrates are hereby authorized and required to proceed in the manner in which the said judges and magistrates are authorized and required to proceed by the said clause.

IV. And it is hereby enacted, that it shall be competent to the sessions judges to try persons committed by themselves as civil judges, under the provisions of the said clause for perjury or subornation of perjury, any law to the contrary notwithstanding.

V. And it is hereby enacted, that, for the purposes of this Act, the expression "civil courts" shall be held to include all revenue officers acting judicially.

ACT No. II. of 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th of February 1848.

AN ACT to confer certain Powers and Privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain Public Works by them:

WHEREAS by Act No. XVI. of 1847, it was amongst other things enacted, that the whole proceeds of the rates and taxes therein aforesaid, after paying all establishments and incidental expenses, should, together with such monies as the Government of Bengal, with the sanction of the Governor-general in Council, might direct to be paid over to the Commissioners for the improvement of the town of Calcutta therein aforesaid, be applied by them to the following purposes; viz.—

- Formation of tanks and aqueducts for the conveyance of water to all parts of the town;
- Opening of streets and squares in crowded parts of the town;
- Filling up stagnant pools of water, and removing obstructions to the free circulation of air;
- Lighting and watering the roads and streets;
- Cleansing and repairing the same and the drains of the said town;
- And improving and embellishing the said town generally.

And whereas, for the effectual accomplishment of the purposes aforesaid, it is expedient that the said Commissioners should be empowered to appoint a clerk and a surveyor and other necessary officers, and that the said Commissioners and their said clerk, and their said surveyor and other officers, should exercise powers interfering with the rights and property of individuals:

I. It is therefore hereby enacted, that the said Commissioners shall, subject to confirmation or disallowance by the Governor of Bengal, nominate and appoint fit and proper persons to be their surveyor and clerk and other necessary officers, who shall receive such salaries as to the Governor of Bengal shall seem meet.

II. And it is hereby enacted, that, for the purpose of constructing one or more aqueducts for bringing pure and wholesome water to the town of Calcutta from any place within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, it shall be lawful, whenever a plan for an aqueduct shall have been approved by the Governor of Bengal, for every Commissioner, and for the surveyor and clerk to the Commissioners, with such assistants as they may require, to exercise in the construction of such aqueduct, throughout the line of country through which such aqueduct is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any magistrate of any district through which the said aqueduct is to run, in furtherance of the construction of such aqueduct, to do such acts, and he is hereby required to do such acts as it is by this Act lawful for a magistrate of the town of Calcutta to do, and as he is by this Act required to do in furtherance of any work to be executed by the said Commissioners within the said local limits.

III. And it is hereby enacted, that it shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute, by themselves, their servants and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or such company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such work.

IV. And it is enacted, that if in carrying into execution any of the powers or authorities of this Act, any house, building or other hereditament shall be damaged
or

or otherwise prejudicially affected, the said Commissioners shall make good such damage, and pay to the owner and occupier of such house, building or other hereditament, such amount of compensation for such injury as shall be agreed upon between such owner and occupier and the said Commissioners, and if such owner and occupier and the said Commissioners cannot agree as to the amount of such compensation, and the proportions thereof to be paid to such owner and occupier respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to, shall be settled and recovered by arbitration or the verdict of a jury, to be summoned and returned in the manner provided in Act No. XXII. of 1847, intituled, "An Act to enable the Commissioners who may be appointed under Act No. XVI. of 1847 to purchase Real or Personal Property for the Improvement of the Town of Calcutta."

V. And it is enacted, that if any person at any time shall obstruct or molest the said Commissioners, or any clerk or surveyor or other officer, or any workman or other person employed by them, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance and execution of their or his duty, or anything which they are respectively required or authorized to do by virtue or in consequence of this Act, every such person so offending shall for every such offence, on conviction before a magistrate, forfeit and pay any sum not exceeding 50 rupees.

VI. And it is enacted, that every Commissioner, and the surveyor and clerk to the Commissioners, with such assistants as they may require, shall, for the purposes of this Act, have full power and authority at all seasonable hours in the daytime to enter or to direct his subordinate officers to enter into and upon any land or tenement, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings, or any part thereof, without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, or of anything done or to be done in any part thereof in pursuance of this Act: Provided that none of the persons above mentioned shall enter upon any lands or tenements which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so.

VII. And it is enacted, that the management and control over all and every of the streets, public ways and public thoroughfares of every kind and description within the said town of Calcutta existing at the time of the passing of this Act, and of all parts of the said town which shall hereafter become streets, public ways or public thoroughfares of any kind or description, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets, public ways and public thoroughfares, by or under the authority of the Government of Bengal, or by the magistrates of Calcutta, or by the said Commissioners, shall be the property of and are hereby vested in the said Commissioners as trustees.

VIII. And it is enacted, that it shall be lawful for the said Commissioners, with the consent and approbation of the Government of Bengal, to pave and water such of the streets, public ways and public thoroughfares existing in the said town at the time of the passing of this Act, or at any future time, as they shall think fit.

IX. And it is enacted, that the said Commissioners shall keep in sufficient repair every street, public way and public thoroughfare existing in the said town at the time of passing this Act, or at any future time, and shall be liable to be indicted for not sufficiently repairing the same.

X. And it is enacted, that if any person shall displace, take up or make any alteration in the pavements, flags or other materials of any foot or carriage way, in any street within the said town, without the consent in writing of the said Commissioners, or of their said surveyor, or shall cause any obstruction to, or make any encroachment upon any street in the said town, any such person so offending shall for every such offence, on conviction before a magistrate, forfeit and pay a sum not exceeding 50 rupees.

ACTS of 1848.

XI. And whereas it is essential to the health and convenience of the inhabitants, that straight and spacious streets and thoroughfares should be continued where they have been begun, and should be opened at convenient and suitable distances, where such do not at present exist, so as to perforate the mass of buildings within the said town, in straight lines, as nearly as may be, from south to north, and from east to west, crossing each other at right angles, and from south-east to north-west, and from south-west to north-east, crossing the straight lines, above mentioned, diagonally, with large open spaces, forming squares or circles, at convenient and suitable distances, from whence the said streets may conveniently diverge in lines without interruption to the river, and to the open country without the said town, so far as the completion of such plan may be practicable, and where not entirely practicable, upon a plan as nearly approaching to such plan as may be : And whereas it is also expedient and necessary that the narrow lanes and gullies which compose the greater part of the said town, inhabited by the native inhabitants, should be converted into such straight and spacious streets and thoroughfares formed as above mentioned, due regard being had to the compensation of owners of houses, buildings and grounds, which may be required to be vested in the said Commissioners for any such purposes as aforesaid :

It is enacted, that, as soon as may be after the passing of this Act, the said Commissioners shall cause plans to be made by their said local surveyor, and by other competent surveyors, showing the direction and breadth of such streets and thoroughfares, and the situations and dimensions of such open spaces to form squares or circles as aforesaid, which, in their opinion, shall be the most suitable for carrying into effect the above-mentioned objects, keeping in view the salubrity of the said town, the convenience of communication within the same, and the economy with which the said improvements may be carried into execution, together with estimates of the expense of the necessary works and estimates of the probable value of the houses, buildings and grounds, which it will be necessary for the said Commissioners to purchase for these purposes, and the said Commissioners shall select from the plans which shall be so furnished to them, the one which they, or a majority of them, shall consider the best and most eligible, and shall transmit to the Secretary to the Government of Bengal the said plan, and the resolution of the Commissioners thereupon, for the consideration of the said Governor of Bengal ; and upon the said Governor signifying, through the said Secretary, by writing, signed by the said Secretary, his approval of such plan, the said Commissioners shall proceed with all convenient speed to carry the same into execution, so far as the funds at their disposal, and the circumstances under which the works are to be carried into execution, will allow, in conjunction with the other improvements contemplated by this Act ; and in case the said Governor shall signify his disapproval of the plan so submitted to him, the said Commissioners shall cause another plan to be drawn by the same, or any other competent surveyor, which plan shall in like manner be submitted by the said Commissioners to the said Governor, and so from time to time, until such plan shall be finally approved of by the said Governor, and as soon as may be after such final approval of the said Governor shall be intimated to the said Commissioners as aforesaid, the said Commissioners shall proceed to carry the said plan so approved into execution, with all such convenient speed as aforesaid.

XII. And it is enacted, that the said plan having been so submitted to, and having been approved by the said Governor as aforesaid, the said Commissioners shall proceed, in conformity with the provisions of Act No. XXII. of 1847, with the purchase of such houses, buildings and grounds as it may be necessary to purchase for the execution of such plan, and shall, upon such purchase being completed, give orders to their said local surveyor to proceed with the said works, without further reference to the said Governor.

XIII. And whereas it is essentially necessary to the salubrity of the said town to make provision for the effectual sewerage and drainage of the same :

It is enacted, that, as soon as conveniently may be after the passing of this Act, the said Commissioners shall cause their said surveyor to make a careful survey of the whole of the said town, and in an accurate and distinct report, to be framed by him, to state what, in his opinion, are the defects of such sewerage, works and drains, as shall at that time exist therein, and what alterations of the
same

same, and what new main, and other sewers and drains are necessary and proper for the effectual draining and clearing of the whole of the said town, and what reservoirs, engines, sluices, penstocks, and other works, are required for properly flushing and cleansing out such sewers and drains, and at and from what places such drains and sewers respectively, ought to commence, in what precise direction they are to be conducted, and at what places respectively they ought to terminate.

XIV. And whereas it is of the most essential importance that all the inhabitants of the said town should be supplied with good and wholesome water, for drinking and for domestic purposes, to the utmost extent that the local and other circumstances of the said town will permit, and especially that the poorer inhabitants thereof should be so supplied with water; and whereas supplies of water are also required for the efficient and wholesome cleansing and watering of the streets, and cleansing the main and other sewers and drains, which may be constructed or maintained under the provisions of this Act:

It is enacted, that the said Commissioners shall at the same time cause their said surveyor to report upon the existing supplies of water in the said town, the sufficiency or insufficiency of such supply for all the several purposes aforesaid, and the healthful or palatable quality as water for drinking of every description of water so supplied, or which the said surveyor shall recommend in future to be supplied; and, with a view to test the accuracy of his report upon this latter subject, the said Commissioners shall cause such water or waters to be analysed and reported on by competent chemists and medical men, and the said surveyor shall also state in his report from what point on the River Hooghly, north of Calcutta, water in sufficient quantity can be conveyed into the town for the domestic purposes of the said inhabitants, and for the efficient and wholesome cleansing and watering of the said streets, and cleansing the main and other sewers and drains which shall or may be constructed and maintained under the provisions of this Act, and shall state whether in his opinion one supply of water from one place can be commanded adequate to all these several purposes, and from what distance and at what probable expense, and what reservoirs, engines, sluices, canals, aqueducts, pipes, and other works, and of what respective dimensions, are required for the adequate and abundant supply of such water for all such purposes as aforesaid.

XV. And, for carrying into effect the purposes aforesaid, it is enacted, that all sewers and drains, together with all buildings and other works, materials and things therewith connected, and all canals, aqueducts, tanks and wells provided for or lawfully applied to public use, and which are not the property of any private person or persons, together with all buildings, engines, works, materials and things therewith connected, existing in the said town at the time of the passing of this Act, or which hereafter shall at any time be constructed and made therein, whether constructed at the cost of the said Commissioners or otherwise, and the entire management and control over the same, subject to the provisions hereinafter contained, shall be the property of, and are hereby vested in the said Commissioners as such trustees as aforesaid.

XVI. And it is enacted, that the said Commissioners shall cause to be constructed and made, such and so many sewers and drains, and such and so many reservoirs, canals, aqueducts, engines and other works, and to be laid such and so many water-pipes, as shall in the opinion of the said Commissioners be necessary and proper for the effectual draining and cleansing of the whole of the town aforesaid, and for the properly flushing and cleansing out such sewers in and under or across all or any of the streets and ways, whether dedicated to the public use or not, roads and other places within the said town, and, if needful, through and across all under-ground cellars and vaults which they may find under any of the said streets, ways, roads or places, doing as little damage as may be, and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built adjoining or near thereto into any of the said sewers as the said Commissioners shall think fit, necessary and expedient for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry or continue the same in, into or through any inclosed lands or other

ACTS of 1848.

place not being a public way, it shall be lawful for the said Commissioners to build, carry or continue the same in, into or through the said lands or other places accordingly, and the said Commissioners may and shall cause such sewers to communicate with and empty themselves into any public river, stream, canal or water-course, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood, and all such sewers, water-courses, canals, reservoirs and other works and premises shall be the property of and are hereby vested in the said Commissioners, and shall be at all times under the care, control and management of the said Commissioners, and of their surveyor and officers.

XVII. And it is enacted, that the said Commissioners shall have authority from time to time, as they shall see fit, and they are hereby required to widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers within the said town, as may be necessary, and also to cleanse and drain off into any sewers or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said town, whether the same be the private property of any person or persons or otherwise, and further in cases in which any of the existing or future sewers vested in the said Commissioners shall from any cause whatever appear to the said Commissioners to have become useless or unnecessary, it shall be lawful for the said Commissioners, if they shall think fit so to do, to take up, stop, fill-in and discontinue such old sewers, in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

XVIII. And it is enacted, that before beginning to dig or lay the foundations of any new house within the said town, or to re-build any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, 14 clear days' notice in writing shall be given to the clerk to the said Commissioners, by delivering the same to him, or leaving it at his office by the person intending to build or re-build such house, or to make such drain, and every such foundation shall be laid at such level as the said surveyor of the said Commissioners shall direct, and every such branch drain shall be made in such direction, manner and form, and of such materials and workmanship as the said surveyor shall order, and the making of every such drain shall be under the survey and control of the said Commissioners; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended or re-made, as the case may require, and to cause the expenses thereof to be levied and repaid to them from and by the owner thereof, in the manner hereinafter provided.

XIX. And it is enacted, that it shall be lawful for any person at his own expense to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size, and in such a manner of communication in all respects, as the said surveyor of the said Commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street, as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street; and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act of a larger size, or in a different manner and form of communication than shall be directed or appointed by the said surveyor, every person so offending shall for every such offence forfeit and pay, on conviction before a magistrate, a sum not exceeding 50 rupees.

XX. And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate direction and control of the surveyor of the said Commissioners, it is enacted, that
it

it shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said town, that any drains required to be made by such owners shall be constructed and made by the surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said surveyor of the said Commissioners) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

ACTS of 1848.

XXI. And whereas the noxious effluvia exhaling from gully-holes of sewers and drains has been found to be injurious to health, and it is therefore expedient that some provision should be made in respect thereof to obviate the same, it is enacted, that the said Commissioners and the owners of any private drains in the town aforesaid, shall, by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, effectually prevent the effluvia of sewers and drains from exhaling from gully-holes, gratings or any other openings whatsoever of drains or sewers in streets or other places; and in case the owner of any private sewer or drain shall neglect or delay so to do, the surveyor of the said Commissioners shall give him notice effectually to prevent the effluvia of such sewer or drain from so exhaling; and if the same shall not be effectually done by such owner within 10 days after such notice shall have been given him, the said surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

XXII. And it is hereby enacted, that it shall be lawful for the said Commissioners and their said surveyor, and they and he are hereby required when any of the streets, public ways or public thoroughfares vested in them shall be under repair, or where any sewers or drains are making, or shall be under repair, to take proper precautions against danger, by shoring up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed such and so many bars, chains or posts across, or in any of the said streets, public ways or public thoroughfares, to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses, during the time of such works and repairs being carried on, as shall be necessary and proper; and the said Commissioners and their said surveyor shall cause any sewer or drain or other works during the construction or repair thereof by them to be well and sufficiently lighted and attended by fit and proper persons during the night to prevent accidents; and if any person shall take down, alter or remove any of the said bars, chains or posts, or extinguish any light attached to or connected with the said bars, chains or posts, without the authority or consent of the surveyor of the said Commissioners, every such person so offending shall for every such offence forfeit and pay, on conviction before a magistrate, any sum not exceeding 50 rupees.

XXIII. And it is enacted, that the said Commissioners shall, with a due regard to the convenience and the preservation of the health of the inhabitants of the said town, give strict orders to their said surveyor to cause, and their said surveyor shall duly cause all the streets, ways, thoroughfares and alleys thereof, whether dedicated to the use of the public or not, together with the foot pavements or footpaths from time to time to be properly swept and cleansed, and all dust, dirt and filth of every sort which may be found thereon to be collected and removed therefrom, and all the soil, ashes, rubbish and filth to be taken and carried away from the houses and premises of the inhabitants of the said town at convenient hours and times, and shall cause all or any of the privies and cesspools within the said town to be cleansed and emptied in a sufficient and proper manner as shall be required, and that the said surveyor shall from time to time give public notice on what days, at what times in every week the said streets, public ways and public thoroughfares shall be swept and cleansed, and such dirt, dust and night-soil, rubbish, filth and ashes carried away, and how and in what manner the same shall be carried away, and where the same shall be deposited, and shall give such orders and directions as to the said surveyor acting under the orders and control of the said Commissioners shall appear proper and necessary; and it shall be lawful for the said Commissioners to purchase or hire any carts, carriages

ACTS of 1848. and other machines, and also any horses or cattle for the better executing and performing any of the above duties.

XXIV. And it is enacted, that the dirt, dust, night-soil and filth to be so collected from the said streets, thoroughfares, alleys, footways, privies, sewers and cesspools, and all the dust, ashes and rubbish to be collected, taken and carried away from all and every of the houses and elsewhere within the said town, shall be the property of the said Commissioners, and are hereby vested in them; and the said Commissioners shall have full power to sell and dispose of the same through their said clerk or surveyor for the purpose of this Act as they shall think proper, and the money arising from the sale thereof shall be applied for the purpose of this Act; and the person purchasing the same shall have full power and authority to take, carry away and dispose of the same for his own proper use and benefit.

XXV. And it is enacted, that it shall be lawful for the said Commissioners, for the purpose of watering the said streets, public ways and public thoroughfares in the said town, to sink wells, and lay, erect and place pipes, conduits and pumps in any of the said streets, public ways or public thoroughfares, and to provide any other apparatus proper for that purpose, and to remove and alter the same when and as the said Commissioners shall think proper; and it shall be lawful for the said Commissioners, and they are hereby required to excavate and provide a sufficient number of spacious and convenient tanks or sufficient runs of water through the said town for the inhabitants to bathe in at suitable and proper times and in suitable and proper places, as may best serve to unite the health and comfort of the labouring population with public decency, making due allowance for the habits and customs of the country.

XXVI. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required from time to time to make such bye-laws as they shall think fit for all or any of the purposes following; that is to say,

For preventing nuisances in any streets, or near thereto, and effecting cleanliness therein.

For making regulations for the registering and inspection of slaughter-houses and markets, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every 24 hours, and for requiring that they shall be provided with a sufficient supply of water.

For the punishment of persons selling unwholesome meat, fish, vegetables, sweetmeats and grain, for the food of man, and for seizing and condemning the same.

For regulating the duties of scavengers, and for regulating the management of urinals and privies.

For making regulations for cleansing filthy and unwholesome dwellings.

For supplying private houses with water from the public reservoirs.

For making regulations to prevent persons bathing and washing their bodies in tanks and watercourses provided for the domestic uses of the inhabitants of the said town, and to limit the hours of bathing in the tanks and watercourses provided for the purpose of bathing, in such manner as shall appear to the said Commissioners necessary to the health, cleanliness and comfort of the labouring population.

For enforcing upon the inhabitants of the said town the performance of such acts, and the abstinence from such acts as an enlightened regard to the health, cleanliness and decency of the said town ought to induce them to perform and to abstain from, due consideration being had for the feelings, manners and customs of the various races of which the said inhabitants consist.

For ascertaining and fixing what pecuniary penalties shall be incurred by persons breaking such bye-laws: Provided always, that no such last-mentioned penalty shall exceed for any one offence the sum of 50 rupees, nor in case of continuing nuisance the sum of five rupees for every day during which such nuisance shall be continued and unremedied.

XXVII. And

XXVII. And it is enacted, that no bye-law made under the powers for that purpose herein last contained shall be of any force until the same shall have been laid before the Governor of the Presidency of Fort William in Bengal, and his approbation thereof, and that of the Governor-general in Council, shall have been certified to the said Commissioners under his hand by the Secretary to the Government of Fort William in Bengal, nor until the expiration of 40 days after the same bye-law shall have been published once in two of the Calcutta newspapers, and a copy of such bye-law, with a declaration thereon, signed by the Clerk to the said Commissioners, that the same has been approved by the said Governor, and published in two newspapers as aforesaid, with the date of such publication, shall be received as evidence of such bye-law, and of the approval and publishing thereof as aforesaid, in all courts of law and equity, and before all magistrates.

XXVIII. And it is enacted, that all bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be posted up and continue so posted in the office of the Clerk of the said Commissioners, and copies thereof shall be delivered to any person who may apply for the same on payment of such sum as the said Commissioners shall think fit, not exceeding four annas.

XXIX. And it is enacted, that all the provisions hereinafter contained relative to offences against this Act punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any bye-law made by the said Commissioners by virtue of this Act.

XXX. And it is enacted, that it shall be lawful for the said Commissioners to direct any prosecution for any public nuisance whatsoever which shall be permitted or suffered within the said town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at the disposal of the said Commissioners, under the provisions of this Act.

XXXI. And it is enacted, that it shall be lawful for the said Commissioners to sue and be sued, to prefer any bill of indictment or information, or to take any other proceeding against any person who shall steal, take or carry away, or wilfully deface or injure any property, articles or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XXXII. And it is enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed and adjudged to be a nuisance at common law, nor to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof: Provided always, that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case he shall be released from all further or other criminal proceedings for the same offence.

XXXIII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby empowered, with the consent and approbation of the said Governor, and subject to the restrictions hereinafter contained, to contract and agree with any person or persons for supplying the said town or any part thereof with water, for the purposes of this Act, and with the like consent to agree with any person having and willing to dispose of the same, for the absolute purchase, for any purpose which the said Commissioners shall think necessary for obtaining and protecting such supply of water as aforesaid, of any waterworks, streams of waters, lands, tenements, easements, hereditaments, fixtures, machinery or other property, or to take a lease thereof for any term of years, and subject to such conditions as shall be agreed upon between the parties, and also with the like consent and approbation to grant to any person or persons contracting to supply the said town or any part thereof with water, a lease for any term not exceeding 21 years, of any waterworks, machinery, streams, waters, lands, tenements, easements, rights, privileges and advantages belonging to or acquired by, or which may belong to, or be acquired by, or be invested in the said Commissioners under any of the powers or authorities in this Act contained, so as to enable such

ACTS of 1848.

person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement, and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto: Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract under the hand of the Secretary to the Government of Bengal.

XXXIV. And it is enacted, that if it shall be necessary or advantageous for the purpose of carrying into execution any plan or mode of supplying water to the said town, that the said Commissioners should avail themselves of any of the powers in this Act contained, which authorize the said Commissioners or their lessees to take or enter upon lands without the consent of the owners and occupiers thereof, for the purpose of constructing, improving or enlarging any waterworks, then, and in every such case, the said Commissioners shall cause a map or plan to be prepared on a scale of not less than one inch to 100 feet, describing the sources from which any supplies of water are intended to be procured, the situation of the intended waterworks, and the line and course of any intended aqueducts, conduits, tunnels, pipes or other channels for conveying water to or from the said intended source of supply, and the lands through which the same respectively are intended to be carried, together with a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers respectively, of any lands intended to be taken for the purpose of erecting any works thereon, or to be used for the purpose of carrying any tunnels, pipes, channels or waterworks through the same, and one copy of such plan and book of reference shall be deposited in the office of the clerk to the said Commissioners, and shall be open at all reasonable times there to the inspection of all parties interested therein, and another copy of such plan and book of reference shall be furnished to the said surveyor of the said Commissioners; and notice of such intended works, and of the place in which such plan is deposited, shall be given by the said Commissioners to all parties interested in any lands intended to be taken or used for any of the above purposes, through which it is intended to carry any tunnels, pipes, conduits or other works, or to such of the said parties as shall after diligent inquiry be known to the said Commissioners, and such notice shall also be published in two or more of the Calcutta newspapers at least once in each of two successive weeks.

XXXV. And it is enacted, that as soon as may be after the expiration of one calendar month from the date of the last publication of such notice, the said surveyor shall give notice, by publication in such newspapers in manner aforesaid, that he will within one week from the date of the last of such publications attend upon such lands, and point out to such as may meet him there, and desire to be informed thereof, the line and course of such intended aqueducts, conduits, tunnels and pipes, and the situation of such intended reservoirs, tanks and waterworks, and he shall accordingly attend at the time and place named in the said notice, and shall then and there point out the same; and all persons who shall deem themselves interested in the matter, or likely to be aggrieved thereby, shall be entitled to be heard by themselves, their counsel, attornies or agents, and to adduce such witnesses as they may think necessary before the said Commissioners; and the said Commissioners shall report the evidence taken before them, and the plans and book of reference, and the report of the said surveyor, together with their opinion thereon, to the said Governor, and thereupon it shall be lawful for the said Governor to disallow or to authorize the taking of the lands specified in such plan, and required to be taken or used for the purposes aforesaid, or any of them, without the consent of the owners and other persons interested therein, subject in the latter case to such regulations and orders as the said Governor shall think necessary to justice, and not inconsistent with the objects of this Act; and when and so soon as the said Governor, if he shall so determine, shall signify his approval thereof, to be testified under the hand of the said secretary in manner aforesaid, then the said Commissioners shall and may proceed to carry such plan into execution.

XXXVI. And

XXXVI. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions hereinafter contained, from time to time to make, construct, lay down, maintain, alter or discontinue such waterworks, steam-engines, water-wheels, reservoirs, cisterns, tanks, aqueducts, cuts, channels, conduits, engines, waste-gates, stop-gates, stop-cocks, sluices, banks, bridges, pipes, tunnels, machinery, and other works upon the lands hereby authorized to be purchased and taken by the said Commissioners, as shall be necessary or proper for obtaining water and supplying the same to the inhabitants of the said town.

XXXVII. Provided always, and it is enacted, that the said Commissioners, in erecting and making the said waterworks and the said reservoirs, cuts, channels, aqueducts, tunnels, or other works upon lands taken under the compulsory powers hereinbefore contained, shall not deviate to any greater distance than the limits of the deviation as marked in the said plan, nor into the lands of any person not mentioned in the said book of reference, without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake, and that such deviation ought to be allowed, shall be certified under the hand of such surveyor.

XXXVIII. Provided also, and it is enacted, that nothing in this Act contained shall authorize or empower the said Commissioners or their lessees, by virtue of the compulsory powers of purchase hereinbefore contained, except in the case of any land expressly taken for forming any reservoir or erecting any steam-engine or other works thereon, to acquire or obtain any greater right or interest in any lands or premises through or within which any of the said pipes, culverts, aqueducts or tunnels are intended or may be required to be laid, than a right of laying the said pipes, culverts, aqueducts or tunnels therein, and of entering thereon from time to time, when requisite, to renew, amend, repair and examine the same.

XXXIX. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to or being within the distance of 100 yards of the works by this Act authorized to be made, or any part thereof, and not being a garden, orchard, plantation or ground planted and set apart as a nursery for trees, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender or deposit; the said Commissioners doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof from time to time, and as often as any such temporary occupation shall be taken, or any such temporary damage done by the said Commissioners or other officers, and making compensation to the owners, also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XL. Provided always, and it is enacted, that before it shall be lawful for the said Commissioners to make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, the said Commissioners shall and they are hereby required to give 14 days' notice of such their intention to the owners and occupiers of such lands, and to separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid, from the other lands adjoining thereto.

XLI. Provided always, and it is enacted, that the said Commissioners, before entering any such adjoining lands for the purposes aforesaid, shall, if required by the owners or occupiers of such lands, agree with such owners or occupiers for the payment of a certain and fixed annual rent in respect thereof during the continuance of such temporary occupation, and the amount of such rent, in case the parties differ, shall be settled by arbitration, or by the verdict of a jury summoned and assembled in manner provided in Act No. XXII. of 1847.

ACTS of 1848.

XLII. And it is enacted, that the said Commissioners shall and they are hereby required, in forming any reservoir or works hereby authorized to be made, and any tunnels or watercourses therein or leading thereto, at their own expense to make and provide a sufficient number of convenient roads, ways, watering-places, wells, watercourses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, watercourses, drains and channels shall and may be taken away or interrupted, injured or rendered inconvenient or useless by reason of the making of the said reservoirs or other works; and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLIII. And it is enacted, that when the pavement or soil of any street, public way or public thoroughfare, or any sewer or drain shall be opened or broken up by the said Commissioners or their officers, or by any other person, they shall with all convenient speed complete the work on account of which the same shall have been broken up, and fill in the ground; and make good the pavement and soil, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up to be fenced and guarded; and shall set up and maintain, upon and against the part of the said pavement or soil so broken up or opened, a sufficient light during every night whilst such pavement or soil be continued open or broken up.

XLIV. And it is enacted, that all existing public cisterns, tanks, conduits and other waterworks used for the gratuitous supply of water to the inhabitants of the said town, shall be continued, maintained and supplied with water by the said Commissioners, and shall be vested in them, and be under their management and control; and it shall be lawful for the said Commissioners to erect and place any number of new cisterns, tanks, pumps, conduits or other waterworks for the supply of water to the inhabitants of any street, court, alley, public way or public thoroughfare, or of any number of houses, as they shall see fit; or to erect the same in any public situation for the gratuitous use of any persons who may choose to carry water away for their private use, but not for sale; and to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

XLV. And it is enacted, that if the said Commissioners shall neglect or refuse to furnish a sufficient supply of water for domestic purposes, as settled and arranged by the said surveyor to the owner or occupier of any dwelling-house rated to the rate hereinafter mentioned, it shall be lawful for such owner or occupier to deduct from the amount of such rate a sum equal to one-eighth part of the amount payable by him in each quarter, for every two days in succession during which such neglect or refusal shall continue, after notice in writing shall have been given to the clerk of the said Commissioners of the want of such supply, unless the want of such supply shall arise from great drought or other unavoidable cause or accident.

XLVI. And in order to preserve the water to be supplied by the said Commissioners, for the domestic use of the inhabitants of the said town, pure and wholesome, it is enacted, that every person who shall wilfully or knowingly commit any of the following offences shall for every such offence forfeit and pay, on summary conviction before a magistrate, a sum not exceeding 50 rupees:

1. Every person who shall bathe in any reservoir, aqueduct or other waterworks belonging to the said Commissioners, and provided by them for the domestic use of the inhabitants of the said town, or shall wash or cause to be washed therein any wearing apparel, horse, dog or animal.

2. Every person who shall throw, put or cast any gravel, stone, rubbish, dirt, filth or other noisome or offensive matter or thing into any such reservoir, aqueduct or other waterworks as aforesaid, or shall wash or cleanse therein any wool, leather or skin of any animal, or other foul or offensive matter or thing.

3. Every

3. Every person who shall cause or permit the water of any sink, sewer or drain, or any other offensive liquid matter or thing belonging to him, or flowing or being in any house or building, or upon any ground occupied by him, to run, drain or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes or other waterworks belonging to the said Commissioners, or who shall commit or cause any other act whatsoever whereby the water of the said Commissioners shall be in any degree whatsoever fouled or corrupted.

XLVII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required to provide a sufficient number of lamps for lighting such parts of the said town as the said Commissioners, on the report of their said surveyor, shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number of the said lamps, and shall renew such of the said lamps as shall become broken or unfit for use, so that all the streets of the said town which the said Commissioners shall consider necessary shall be well and sufficiently provided with light, from such hour in the evening of each day until such hour of the morning of each following day, as the said Commissioners shall consider to be fit and proper and necessary; and the whole of the expense of the erection, repair, maintenance, cleansing and supplying with oil and wicks of each and every of the said lamps, and of lighting and keeping lighted the same during such hours as aforesaid, shall be borne and paid by the said Commissioners.

XLVIII. And it is enacted, that every person who shall wantonly or wilfully destroy, injure, deface or disturb any of the said lamps, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners, or of their said surveyor, shall forfeit and pay, on conviction before a magistrate, for every such offence any sum not exceeding 50 rupees.

XLIX. And it is enacted, that if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

L. And it is enacted, that in all cases where any damage, costs or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the paying thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons as arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two magistrates of Calcutta; and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LI. And it is enacted, that the said Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-laws of the said Commissioners, affecting other persons than officers or servants of the said Commissioners, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the office of the clerk of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference, and such particulars shall be renewed as often as the same or any part thereof is

ACTS of 1848.

obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner herein-before required, or wantonly and maliciously obliterated or destroyed.

LII. And it is enacted, that if any person shall pull down, break or deface any board put up as required by this Act, or shall obliterate any of the letters or figures thereon, he shall forfeit and pay for every such offence a sum not exceeding 50 rupees, and shall also defray the expenses attending the restoration of such board.

LIII. And it is enacted, that every penalty or forfeiture imposed by this Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any magistrate of Calcutta, and on complaint being made to any such magistrate, he shall issue his summons requiring the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such magistrate to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such magistrate to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such magistrate or assistant magistrate shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LIV. And it is enacted, that where in this Act, or in Act No. XVI. of 1847, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

LV. And it is enacted, that no distress levied by virtue of this Act, or of Act No. XVI. of 1847, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may and shall recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court.

LVI. And it is enacted, that the magistrate by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the clerk of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LVII. And it is enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a magistrate, unless the complaint respecting such offence shall have been made before such magistrate within six months next after the commission of such offence.

LVIII. And it is enacted, that if through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and the amount of such damages shall, in case of dispute, be determined by the magistrate by whom the party incurring such penalty shall have been convicted, and in case such damages shall not be paid on demand, the same may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LIX. And

LIX. And it is enacted, that it shall be lawful for any magistrate to summon any person to appear before him as a witness in any matter in which such magistrate shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him an oath or solemn affirmation that he will testify the truth in such matter; and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses; or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such magistrate or assistant magistrate, every such person shall for every such offence forfeit and pay a sum not exceeding 50 rupees.

LX. And it is enacted, that in Acts No. XVI. of 1847, and No. XXII. of 1847, and in this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say), words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only, shall include females, unless the word "male" is used. The word "person" shall include corporations whether aggregate or sole. The words "oath," "affirmation" and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any Legislative Act of the Governor-general of India in Council, or by any Act of the Parliament of Great Britain extended to India. The word "street" shall include any square, circus, street, court, alley, footpath, highway, lane, road, thoroughfare, public passage or other public place within the said town. The words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. XVI. of 1847.

ACT No. III. of 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th February 1848.

AN ACT for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

WHEREAS doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India:—

It is hereby declared and enacted, that the word "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is or has at any time been habitually associated with any other or others for the purpose of committing, by means intended by such person, or known by such person, to be likely to cause the death of any person, the offence of child-stealing, or the offence of robbery not amounting to dacoity; and that the word "Thuggee," when used in such Acts, shall be taken to have meant and to mean the offence of committing or attempting any such child-stealing or robbery by a Thug; and that the expression "Murder by Thuggee," when used in such Acts, shall be taken to have meant and to mean murder when employed as the means of committing such child-stealing or such robbery by a Thug.

ACTS of 1848.

ACT No. IV. of 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th of February 1848.

AN ACT for regulating Coroners' Juries.

I. It is hereby enacted, that from and after the 1st day of May 1848, on all inquests to be held by the Coroners of Calcutta, Madras or Bombay, no greater number than five jurors shall be necessary; and that every finding of a jury consisting of five jurors shall be, to all intents and purposes, as good, valid and effectual in law as if such finding had been the finding of 12 jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding 50 rupees, as to such Coroner shall seem fit; and such Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine which shall have been imposed, and the cause of such fine; and shall transmit such certificate to one of the magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the post-office, addressed as aforesaid, and thereupon such magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroners' inquisitions, and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no inquisition found upon or by any inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed or reversed for want of the averment therein of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath" instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed, when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such inquisition and the names subscribed thereto, nor because any juror or jurors shall have set his or their mark or marks to any such inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such juror or jurors is or are set forth, nor because any juror or jurors has or have signed his or their christian name or names, or other name or names which is not or are not a family name or names, by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written upon parchment, nor by reason of any such inquisition having been taken before any deputy instead of the Coroner himself, nor because the Coroner and jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting

sitting of the inquest; and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of her Majesty's Supreme Court at the Presidency at which such inquest shall have been held, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

ACTS of 1848.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras and Bombay, from time to time to appoint, by writing under his hand and seal, a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his deputy in the holding of inquests; and all inquests taken and other acts performed by any such Deputy Coroner under and by virtue of any such appointment shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made: provided, that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause: provided also, that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

ACT No. V. of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 4th of March 1848.

AN ACT to amend the Law regarding the taking of Mochulkas or Penal Recognizances.

I. It is hereby enacted, that section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the territories subject to the Presidency of Bengal, it shall be lawful for the zillah and city magistrates and joint magistrates to take Mochulkas or penal recognizances in the form annexed to this Act, as well from British subjects as from other persons in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party, and to the circumstances of the case.

III. And it is hereby enacted, that in cases of an aggravated nature wherein it may appear necessary to require security for keeping the peace in addition to the recognizance of the party, it shall be lawful for such magistrates to direct the same, and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the magistrate that the period for which the party should be bound to keep the peace with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the magistrate shall record his opinion to that effect, with an order specifying the amount of recognizance and security as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the sessions judge, who after examining them and calling for any further information which he may think necessary, shall pass orders on the case, confirming, modifying or annulling the orders of the magistrate; and

if the orders so passed by the sessions judge confirm to any extent the requisition for recognizance or securities, the sessions judge shall direct the magistrate to commit the party to prison in the civil jail until he shall do what has been required of him.

VII. And it is hereby enacted, that the provisions contained in sections 5, 6 and 7 of Regulation VIII. of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all sureties who shall have given security under this Act.

IX. And it is hereby enacted, that whenever it may be proved before the magistrate that any such recognizance has been forfeited, if a security bond shall have been taken, and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid, and if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the civil court, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement by order of the magistrate in the civil jail of the station during a period not exceeding six months.

XI. And it is hereby enacted, that in the territories subject to the Presidency of Bengal all Mochulkas and security bonds, which by force of any Act or Regulation may be taken by criminal courts of the East India Company or by zillah or city magistrates or joint magistrates, for keeping the peace or for good behaviour, may be enforced in the manner prescribed by sections 8 and 9 of this Act.

Whereas I inhabitant of have been called upon to enter into a Mochulka to keep the peace for the term of I hereby bind myself not to commit any act that can occasion a breach of the peace during the said term, and in case of my making default therein, I bind myself to forfeit to Government the sum of rupees . Dated

Whereas inhabitant of has been called upon to give security to keep the peace for the term of , I hereby declare myself surety for the said that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein, I hereby bind myself to forfeit to Government the sum of rupees . Dated .

ACT No. VI. of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 4th March 1848:

AN ACT for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. It is hereby enacted, that from and after the 25th day of March 1848, all goods imported on foreign bottoms by sea into any port of the presidencies of Fort William in Bengal, Fort St. George or Bombay, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were imported into any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

II. And it hereby enacted, that from and after the said day all goods exported on foreign bottoms by sea, from any port of the said presidencies, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were exported from any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any goods lawfully carried from any port in the territories subject to the Government of the East India Company to any other port in the said territories, anything in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the articles of salt or opium.

ACT No. VII. of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 25th of March 1848.

AN ACT to except certain free Ports from the operation of Section 3, Act No. VI. of 1848, and otherwise to amend that Act.

I. In modification of section 3, Act No. VI. of 1848, it is hereby enacted, that the provisions of the said section shall not apply to goods exported from any part of the territories subject to the government of the East India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim provinces, or to any of the ports in the province of Arracan, nor to goods imported from any of those ports into any port of the said territories.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of goods from any port in the territories subject to the government of the East India Company, to any other port in the said territories to which the operation of section 3, Act No. VI. of 1848, may extend.

ACT No. VIII. of 1848.

Passed by the Governor-General of India in Council, on the 25th of March 1848.

To modify the Provisions of Sections 9, 10, 11, and 13 of Regulation V. 1812,
of the Bengal Code.

It is hereby enacted, in modification of the provisions of sections 9, 10, 11, and 13 of Regulation V. 1812 of the Bengal Code, that if any ryot or tenant of land, upon whom such notice or demand as is specified in the said sections

ACTS of 1848.

sections is to be served, shall have no place of usual residence in the zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wassil baukee shall be by affixing it at the maal cutcherry of such land, or other conspicuous place thereon, or at the village chouree, choupal, or other conspicuous place in the village.

ACT No. IX. of 1848.

Passed by the Governor-General of India in Council, on the 25th of March 1848.

AN ACT to repeal Acts No. XII. of 1839, and No. XII. of 1840, and to raise Funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggon, Carts, Horses and Mules kept or used within the same.

I. It is hereby enacted, that from and after the 1st day of January 1849, Act No. XII. of 1839, and Act No. XII. of 1840, are repealed.

II. And it is hereby enacted, that from the said 1st day of January 1849, an assessment at a rate not exceeding 10 per cent., to be fixed from time to time, as he shall think fit, by the chief civil authority within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, shall be levied every half-year in advance on the actual or estimated rents of all houses, shops and other buildings situated within the said settlement and the dependencies and places now or hereafter to be subordinate or annexed thereto, to be paid by the tenant or tenants, or occupier or occupiers of such houses, shops and other buildings, at the time of such assessment: Provided always, that the several houses or buildings specified in Schedule (A.) hereunto annexed, shall be exempted from assessment under this Act.

III. And it is hereby enacted, that from and after the day aforesaid an assessment, at a rate not exceeding five per cent., to be fixed from time to time, as he shall see fit, by the said chief civil authority, shall be levied half-yearly or annually upon the actual rent or upon the value of the net produce derived from all lands situated in the said settlement, dependencies and places, held, possessed or used for purposes of agriculture or cultivation of any description whatsoever: Provided always, that no assessment shall be charged on any rent paid as quit rent to the East India Company for lands held under leases or other titles from the said Company, and that the produce of lands of less extent than three (3) acres used for the cultivation of paddy, siri or vegetables, and lands of which the annual net produce shall be less than 10 Spanish dollars, if it shall be the sole assessable property of any one or more persons, shall be exempted from the payment of any assessment under this Act.

IV. And it is hereby enacted, that in order to ascertain the value of the net produce of any such lands for any one year or half-year, for the purpose of levying such assessment, the amount of outlay actually paid and expended during that particular period in and upon the lands yielding such produce, and in the manufacture of any such produce (not including either the purchase-money of such lands, or the original outlay thereon, or the cost or purchase-money of any articles of machinery used or employed, or of any buildings erected thereon), shall be deducted from the estimated value, at the then local current rate, of the gross quantity or amount of produce, whether manufactured or otherwise, derived from such lands, and that upon the overplus or net balance value so ascertained the said assessment shall be levied and paid.

V. And it is hereby enacted, that in order to facilitate the collecting of assessment on lands in manner specified in section 4 of this Act, it shall and may be lawful for the collector or other officer appointed in manner hereinafter mentioned to collect the same at each of the said stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, to require the owner,

owner, occupier, agent, superintendent or other person in charge of any such lands, to furnish him, either annually or half-yearly, in writing, under his or their hand or hands, with a true and detailed statement of the gross and actual quantity and amount of produce, of what nature and kind soever, yielded by the said land or manufactured therefrom, during either of the said periods; and likewise a true and detailed statement of the amount of actual outlay paid and expended in the cultivation of the said land and in the preparation or manufacture of the produce thereof during the like periods; which said statements shall be verified by oath or affirmation to be made by such person or persons before one of her Majesty's justices of the peace at such station (who is hereby authorized and required to administer the same) if thereto required by the said collector or other officer as aforesaid. And any person or persons who shall refuse to make such oath or affirmation, or who shall refuse to furnish such statement, shall, on conviction thereof before the court of quarter session at such station, be liable to pay a fine not exceeding 200 Spanish dollars, and, in default of payment thereof, to be imprisoned for a term not exceeding two months.

VI. And it is hereby enacted, that from and after the day aforesaid a tax shall be levied half-yearly in advance on all carriages, waggon, carts, horses, mules and elephants in use or kept within the said settlement, dependencies and places, to be charged on the owner or owners, or where the owner is absent or cannot be ascertained, on the person or persons in charge thereof, at the following rates, that is to say:

	<i>Sp. Drs.</i>
On every four or three-wheeled carriage, per annum - - -	10
On every two-wheeled carriage, per annum - - -	8
On every waggon drawn by man or beast, per annum - - -	8
On every cart drawn by any description of cattle, per annum - - -	6
On every cart drawn by man, per annum - - -	4
On every horse or mule, per annum - - -	2
On every elephant, per annum - - -	12

and that if the payment of any such tax shall not be duly made, it shall be lawful for any justice of the peace, upon being satisfied that due diligence has been used to obtain payment, to issue his warrant for levying the amount of such tax, by seizing and selling the goods and chattels of the person or persons so charged with the payment of such tax and so making default: Provided always, that the several vehicles and animals specified in Schedule (B.) hereunto annexed, shall be exempted from the payment of any tax under this Act.

VII. And it is hereby enacted, that the chief civil authority of the said settlement shall have power to appoint a collector or collectors, or such other officer or officers as may be deemed requisite for the collection of the assessment and taxes leviable under this Act at the several stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto respectively.

VIII. And it is hereby enacted, that in any case where payment shall not be duly made of any assessment charged and demanded under authority of this Act, the collector or other officer appointed to collect the same shall certify in writing such non-payment to any justice of the peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for levying the amount of such assessment, by seizure and sale of any goods and chattels and growing crops whatsoever, and to whomsoever belonging, in or upon the houses, shops or other buildings, or in or upon the lands respectively charged; and the overplus, if any, after deducting the expenses of such seizure and sale, shall be paid to the owner or owners of the goods, chattels or growing crops so seized and sold, or to the person or persons in whose possession the same may have been found.

IX. And it is hereby enacted, that it shall be competent for the collector or other officer appointed to collect the aforesaid assessment and taxes at the said stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, in lieu of proceeding against defaulters by warrant of distress as aforesaid, to sue in his name for the recovery of any

ACTS of 1848.

arrears through any court of justice to which such defaulters shall or may be amenable.

X. And it is hereby enacted, that the court of quarter session of the said settlement shall have power to hear and determine, in such manner as to the said court shall seem just, all appeals by parties who may feel themselves aggrieved by, or who may have any reason to object to any demand for payment of any assessment or tax leviable under this Act, whether on the ground of surcharge or otherwise: Provided always, that before any application for any such appeal shall be entertained by the said court, the party or parties making the same shall first pay the amount of the assessment or tax charged, and at the time of such payment give notice in writing of his or their intention to appeal to the collector or other officer by whom such assessment or tax may have been demanded.

XI. And it is hereby enacted, that no appeal shall be allowed by the said court of quarter session unless the same shall have been made and prosecuted within three months from the time of payment of the amount of assessment or tax demanded, and delivery of such notice to the collector or other officer aforesaid.

XII. And it is hereby enacted, that the monies collected from the assessment and taxes leviable under this Act at the said several stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, shall be called the "Municipal Fund;" and that the same, or so much thereof as shall be required, shall be applied in manner hereinafter mentioned towards the payment and maintenance of an efficient police, and of an establishment for the collection of the said assessment and taxes at each of the said stations, dependencies and places; and also towards the efficient watching, repairing, renewing, cleansing, draining and keeping in repair the public roads and streets, and all other public thoroughfares in town and country at each of the said stations, dependencies and places; and also towards the repairing, renewing, building, rebuilding, cleansing and securely upholding all public bridges, jetties, quays, aqueducts, canals, sluices, sewers and sluice-gates made for or in the occupation or use of the public at the said stations, dependencies and places, either made, commenced or hereafter to be made; and also towards the lighting of the said public streets and bridges, and to the effecting of other purposes necessary for the comfort and protection of the inhabitants of the said settlement, dependencies, and places: Provided always, that all roads, streets and bridges leading to and terminating at any government house and other building belonging to government, or any military post, barracks or cantonment, or any hospital, poor house, sailor's home, or other benevolent or charitable institution under the patronage of government, or any place of public worship, shall be deemed to be public roads, streets and bridges within the meaning of this Act.

XIII. And whereas it is desirable that a certain number of the ratepayers of the said settlement should from time to time be appointed to assist the government in the management of the said Municipal Fund, as well as in the performance of other municipal acts hereinafter mentioned; it is hereby enacted, that it shall be lawful for the chief civil authority of the said settlement for the time being, from time to time, to nominate and appoint at each of the said stations of Prince of Wales' Island, Singapore and Malacca, a municipal committee, to consist of five resident rate-payers, of whom two shall be officers of the local government; and in case it shall be found impracticable, from refusal to act, to obtain at either of the said stations a sufficient number of unofficial persons to compose such committee, it shall be competent for the said chief civil authority to nominate and appoint a committee of three resident rate-payers instead of five; and that it shall be competent for the said municipal committee, in conjunction with the said chief civil authority, and under and in conformity with such orders and instructions as may from time to time be issued by the Governor of Bengal, to make order for the performance of the several objects and purposes specified and contained in section 12 of this Act, for which provision is thereby directed to be made out of the said Municipal Fund; and to authorize and sanction the payment and disbursement of all bills and charges for the same: Provided nevertheless, that it shall be competent for the said chief civil authority at any time, if he shall think fit, to refer any matter or thing whatsoever herein to be done and performed.

performed for the sanction or instructions of the Governor of Bengal, accompanied by the opinion or observations thereon of the said municipal committee, and that nothing in this Act contained shall be construed to affect any of the provisions of Act No. III. of 1847.

ACTS of 1848.

XIV. And it is hereby enacted, that the said municipal committee shall have power to make rules and regulations, subject to the approval of the said chief civil authority, for more fully and effectually carrying out and performing the objects and purposes specified in sections 12 and 13 of this Act, and to alter or amend the same from time to time as may be necessary, subject to the like approval.

XV. And it is hereby enacted, that as soon after the 1st day of January in every year as may be practicable, the collector or other officer appointed to collect the assessment and taxes under this Act at each of the said stations of Prince of Wales' Island, Singapore and Malacca, shall prepare a detailed statement of the said Municipal Fund, exhibiting the sums collected under the respective heads of assessment, taxes, or otherwise, during the preceding year, and showing also the disbursements which have been made during the same period, and that the said statement shall be published at the station to which it relates in a newspaper, and if such station shall have no newspaper, then the publication shall be made in some newspaper at any of the other stations; and the said statement shall also be open to general inspection at the office of such collector or other officer for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the officer superintending the police at each of the said stations of Prince of Wales' Island, Singapore and Malacca, shall, between the 1st and 15th day of January in every year, require the owners of all palanquin carriages, carts and other vehicles, kept in such station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such palanquin carriages, carts and other vehicles, in a register to be kept for that purpose at the police office of such station; and every owner of a palanquin carriage, cart, or other vehicle subject to such registration, who shall omit or refuse to enter such vehicle at the police office in manner aforesaid, shall, on conviction before a justice of the peace, pay for each offence a fine not exceeding 20 Spanish dollars, with costs of prosecution, to be recoverable on non-payment by warrant of distress and sale under the hand of the convicting justice of the peace, and the overplus, if any, of the goods and chattels sold shall be paid to such owner or owners.

XVII. And it is hereby enacted, that every owner of a registered palanquin carriage, cart or other vehicle, who shall neglect to place in a conspicuous part of such vehicle a numbered board, which shall be furnished to him by the registering officer, shall, on conviction before a justice of the peace, pay a fine not exceeding five Spanish dollars for each offence, to be recovered in manner specified in the last foregoing section.

XVIII. And it is hereby enacted, that all quarter session and police fees, fine, poundage and forfeitures imposed, levied and paid at each of the said stations of Prince of Wales' Island, Singapore and Malacca, shall be forthwith paid into the said Municipal Fund at such station, in aid of the several purposes specified in section 12 of this Act.

XIX. And it is hereby enacted, that no assessment or charge made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment or tax, or of anything chargeable with assessment or tax, or any mistake in the amount of assessment or tax charged, provided the directions of this Act be in substance and effect complied with; and that no proceedings, or other matter or thing had or done under this Act, shall be quashed or set aside for want of form, in any court or courts of justice.

ACTS of 1848.

SCHEDULE (A.)

Referred to in section 2, of this Act.

To be exempted from the payment of assessment :

PUBLIC BUILDINGS.

Hospitals, poor houses, places of worship, charitable and benevolent institutions and schools, not used as private dwelling-houses, convict lines, gaols, barracks or lines for soldiers, police offices and thannahs.

PRIVATE BUILDINGS.

Mills, drying and boiling houses, out offices and labourers' huts belonging and attached to estates and plantations; and any dwelling-house, shop or other building which shall not have been used or occupied for more than three months in any one year; and any attap huts or sheds belonging and attached exclusively to vegetable gardens and paddy fields, consisting of not more than five acres; and any house or building of which the annual value or rent shall be less than six Spanish dollars, if it shall be the sole assessable property of the person or persons charged therewith.

SCHEDULE (B.)

Referred to in section 6, of this Act.

To be exempted from the payment of taxes:

Waggons and carts bearing the owner's name, painted in large letters on some conspicuous part of each, and not used on the public highway.

Waggons and carts being the *bond fide* property of Government, and used in the public service.

Hearses kept exclusively for the removal of the dead.

Elephants kept exclusively within estates or plantations, and not brought or used upon the public roads or bridges.

ACT No. X. of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 8th April 1848.

AN ACT, for annexing the lapsed State of Mandvee to the Presidency of Bombay.

WHEREAS the state of Mandvee has lapsed to the British Government :—

I. It is hereby enacted, that from and after the 1st day of May 1848, the lapsed state of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the territories subject to the presidency of Bombay.

II. And it is hereby enacted, in modification of section 21, Regulation II. of 1827; of section 6, Regulation XVI. of 1827; and sections 9, 16, 34 and 49 of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the civil courts within the said lapsed state of Mandvee :

1st. All claims for damages against persons in authority under the late government, for abuse of power during that period.

2d. All claims against Government on account of enams.

3d. All claims against Government on account of jagheers, wurshasuns, pensions, nemnooks and other advantages not hereditary.

4th. All

4th. All disputes regarding public rent or revenue payable to Government, and all complaints of exaction by mamlutdars or district or village officers.

ACTS of 1848.

5th. All claims on account of village debts, all village boundary disputes, and disputes regarding the use of wells and watercourses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be and is hereby empowered to exempt from the jurisdiction of the civil and criminal courts the widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the east by Punch Molec purgunna, belonging to his Highness the Guicowar.

On the west by Turkeswur purgunna of the Surat zillah, and Gullah purgunna, belonging to his Highness the Guicowar.

On the north by Wusravee and Nausur purgunnas, belonging to his Highness the Guicowar, and Koondha purgunna, belonging to the Raja of Rajpeepla.

On the south by Timbah Beerah and Soonghur purgunnas, belonging to his Highness the Guicowar, and Kurod and Walore purgunnas of the Surat zillah.

It comprises the under-mentioned towns and villages, 162.

Town of Mandvee, situated on the north bank of the Taptee River.

Purgunna Soowangiah.

1. Kherpor.	38. Katkoowa, J.	75. Peepulwan.
2. Kakurwa.,	39. Rukhus Khuree.	76. Bhoondha.
3. Poonah.	40. Kurwuttee.	77. Amlee.
4. Oon.	41. Hurunwao.	78. Surapara.
5. Oosked.	42. Kheempor.	79. Limbaree.
6. Umul Saree.	43. Chandpor, J.	80. Chelwas.
7. Ghorsumba.	44. Rukhwao.	81. Gungapor.
8. Gamtulao Boojgur.	45. Mugutroo.	82. Jamunkoowa.
9. Godawaree.	46. Khaturdevree.	83. Peechurwan.
10. Boree.	47. Khurgam.	84. Undhatree.
11. Nundpor.	48. Goondwan.	85. Sursee.
12. Khuralee.	49. Bulatteenruth.	86. Bhensee.
13. Oomersaree, J.	50. Roondha.	87. Jhuree.
14. Kosaree, J.	51. Muhoodee.	88. Burtul.
15. Kumlapor, J.	52. Gangpor Dewar Ranah,	89. Sutwao.
16. Vureth.	53. Makungur.	90. Oomurkhuree.
17. Kakrapar.	54. Deoghuree, J.	91. Gamtulao Khoord.
18. Bulunga.	55. Limdha.	92. Tursarah Khoord.
19. Peepulwara.	56. Tarapor.	93. Kulumkoowa.
20. Kanaghat.	57. Maldha.	94. Khurera.
21. Undhatree.	58. Joonwan, J.	95. Foolwaree.
22. Hureepor.	59. Keemdoongra.	96. Gordha.
23. Gangpor Hursud.	60. Larkoowa.	97. Veesdaleeeya.
24. Dudwara.	61. Choramba, J.	98. Vagnera.
25. Berdha.	62. Esur.	99. Guntolee.
26. Bhat Khaee.	63. Patawaree.	100. Roopun.
27. Surkootee.	64. Deoghur.	101. Vularghur.
28. Umulwan.	65. Undharwaree.	102. Saluya.
29. Jetpo.	66. Kunujwan, J.	103. Moreetha.
30. Keodee, E.	67. Dhuj.	104. Kaleebel.
31. Kurootha, E.	68. Dhujamba.	105. Teetoe.
32. Zhuree.	69. Kolkhuree.	106. Regama.
33. Umulchoonee, J.	70. Looharwur.	107. Dadakooee.
34. Velunghur.	71. Bulette.	108. Purwut.
35. Ambapor, J.	72. Solee.	109. Khor Amba.
36. Lakhakhan.	73. Puterkooee.	110. Kalmoe.
37. Wensala.	74. Jamkooee.	111. Patul.
17.	M	112. Kumlasotee

ACTS of 1848.

112. Kumlasotee.	129. Peepultha.	146. Guwachee.
113. Kolsanoo.	130. Tukwarah.	147. Khunjrolee.
114. Tooked.	131. Oomerwan.	148. Khaler.
115. Mudhul Koote, J.	132. Vurod.	149. Peepureeya, J.
116. Oontewah.	133. Nougamah.	150. Tursara.
117. Jhab.	134. Kolakooee.	151. Jamunkoowa.
118. Choorel.	135. Dhurumpor.	152. Vurjakhund.
119. Kusal.	136. Togapor.	153. Jhakla.
120. Fulee.	137. Oosked.	154. Beerama.
121. Pardee.	138. Khanpor.	155. Sadree.
122. Ambah.	139. Rohenee.	156. Rutuneeya.
123. Kurwulee.	140. Untrolee.	157. Vuseegam.
124. Boudhan.	141. Boreegala.	158. Naneecher.
125. Muthasroo.	142. Jhurpun.	159. Mooteecher.
126. Vurelee.	143. Ureth.	160. Vanklah.
127. Patna.	144. Veghee.	161. Rajwur.
128. Keodyoon.	145. Nuryu.	162. Rajpoora Loombha.

ACT No. XI. of 1848.

Passed by the Governor-General of India in Council, on the 20th of May 1848.

AN ACT for the Punishment of wandering Gangs of Thieves and Robbers.

WHEREAS it is expedient to extend some of the provisions of the law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers; it is enacted as follows:

I. Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any wandering gang of persons associated for the purposes of theft or robbery, not being a gang of thugs or dacoits, shall be punished with imprisonment, with hard labour, for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any magistrate within the territories of the East India Company, and may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits.

III. No court shall, on the trial of any offence under this Act, require any futwa from any law officer.

ACT No. XII. of 1848.

Passed by the Governor-General of India in Council, on the 27th of May 1848.

AN ACT for better defining the Jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

WHEREAS the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the settlement of Fort William, in Bengal, hath been exercised under colour of a proclamation made by the Vice-President of the Presidency of Fort William in Bengal, in Council, with the approval of the Governor-general of the said Presidency, bearing date the 18th day of March 1802, and of another proclamation made by the Governor-general of the said Presidency in Council, bearing date the 25th day of September 1813, and of another proclamation made by the Governor-general of the said Presidency in Council, bearing date the 29th day of October 1819: And whereas doubts have arisen as to the legality of the said last two proclamations, and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers given to the Commissioners of the said court by the first of the said proclamations are by the terms of the said third proclamation effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners, and it is expedient to remove such doubts: And

whereas

whereas the Rules, Orders and Regulations for the direction of the process and practice of the said court which have been established in and by the said court have not been allowed, printed or published as directed by the said first proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately, and to form separate courts, sitting at the same time, or at different times; and it is also expedient to establish as well prospectively as retrospectively the legality of that practice: it is enacted as follows:

ACTS of 1848.

I. All proceedings heretofore had, or hereafter to be had, in pursuance of and in conformity with the said proclamations, or any of them, by the said Commissioners, or any person or persons acting under their authority, shall be deemed to have been and to be valid in law, to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

II. All the powers and authorities declared to be given to the said Commissioners by the said first proclamation, shall extend to and be exercised in respect of, and shall be deemed to have heretofore extended to all matters which in and by the several proclamations, or any of them, the said Commissioners were authorized to hear and determine.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said court, whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law, to all intents and against all persons and bodies corporate whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests; and such Commissioners may henceforth sit either altogether or apart, and may hold one court or two or three separate courts, sitting at the same time or at different times, in like manner as they have been heretofore accustomed to do.

IV. All rules, orders, forms of procedure and tables of fees now used or established in the said court, shall be deemed to be, and to have been, from the time of their first being used or established respectively, valid in law to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have been made returnable.

ACT No. XIII. OF 1848.

Passed by the Governor-General of India in Council, on the 10th of June 1848.

For limiting the Time within which a Suit may be brought to contest the Awards of the Revenue Authorities in the Presidency of Bengal.

For the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code, it is enacted as follows:

I. No suit shall be entertained in any court for contesting the justice of any award made before the passing of this Act by the revenue authorities under any of the recited Regulations, after the expiration of 12 years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.

ACTS of 1848.

ACT No. XIV. of 1848.

Passed by the Governor-General of India in Council, on the 17th of June 1848.

To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits.

WHEREAS doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea Side of the Court, under the Charter of that Court, to grant a standing Commission to take affidavits or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires ; it is enacted as follows :

I. After the passing of this Act, the said court shall have power to issue a Commission or Commissions from time to time, under the seal of the said court, to such person or persons as the said court shall think fit to name therein, empowering him or them, or any one or more of them, to take affidavits and solemn affirmations in any cause, or other proceedings in the said court, now or hereafter to be depending, or with the intent to institute any proceeding what ever in the said court.

II. Every affidavit or solemn affirmation so taken shall be deemed to be taken in the said court, and shall render the person or persons taking the same liable to payment of the same fees (if any), to be received and accounted for in the same manner as in the case of an affidavit or solemn affirmation made and taken in court.

III. Every person so making any affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such affidavit or solemn affirmation had been made and taken in open court.

ACT No. XV. of 1848.

Passed by the Governor-General of India in Council, on the 17th of June 1848.

AN ACT to forbid trading by the Officers of the Supreme Courts.

FOR the better discharge of their duties by the officers of the under-mentioned Courts of Justice, it is enacted as follows :

I. No officer of any of the courts of judicature established by Royal Charter, within the territories subject to the government of the East India Company, or of any court established for the relief of insolvent debtors within the said territories, shall directly or indirectly, by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his office other than his legal salary, and fees and profits of office, or hold any office in any bank or public company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader, or as agent, factor or broker, either for his own advantage, or for the advantage of any other person or persons, except such dealings as it may be part of the duty of any such officer by virtue of his office to carry on.

II. This Act shall not be construed to forbid any officer of any of the said courts, who is also a practising advocate, attorney, solicitor or proctor in any of the said courts, from taking the usual fees and emoluments of advocates, attornies, solicitors or proctors, nor to apply to any advocate, attorney, solicitor, proctor, sheriff, assignee, receiver or committee, so far as he is held to be in that capacity, merely for some purposes, an officer of any of the said courts.

III. This Act shall not be construed to forbid any officer of any of the said courts from holding any unpaid office in any society for charitable purposes, or for the advancement of knowledge, or for the encouragement of science, art or manufactures.

IV. Every officer of any of the said courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his

his office, and also by the sentence of the court before which he shall be convicted may be declared incapable, and in that case shall become incapable of being appointed to the same or any other office of the same court, or to serve Her Majesty or the East India Company in the territories under the government of the East India Company, or in such part of the said territories as shall be specified in the sentence, or in the discretion of the court may be otherwise punished by fine, or fine and imprisonment, for his misdemeanor, as to the court shall seem fit, regard being had to the nature of his offence.

ACTS of 1848.

ACT No. XVI. of 1848.

Passed by the Governor-General of India in Council, on the 1st of July 1848.

AN ACT to remove certain Restrictions on the Salt Trade.

WHEREAS the Salt Trade in the North Western Provinces is burthened with unnecessary restrictions; it is enacted as follows :

I. Sections 49, 50, 85 and 93 of Regulation X. of 1819, of the Bengal Code, and so much of section 48 of the same Regulation as affects the importation of salt from the North Western Provinces into the other provinces of the Presidency of Bengal, also section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the 1st day of August in this year.

II. After the said 1st day of August no customs duty shall be leviable upon salt imported into the said North Western Provinces from the other provinces of the said Presidency.

ACT No. XVII. of 1848.

Passed by the Governor-General of India in Council, on the 26th August 1848.

AN ACT for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and for refunding Stamp Duties on Plaints in certain cases.

WHEREAS it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties; it is enacted as follows :

I. Section 16, and Clause 2, section 57, Regulation VI. 1816, and sections 4 and 5, Regulation II. 1834, of the Madras Code, shall be repealed from the 1st day of September in this year.

II. From and after the said 1st day of September, so much of Regulation XIII. 1816, and section 7, Regulation VII. 1818, of the Madras Code, as relates to the levying of stamp duties instead of fees on the institution of civil actions, shall be applicable to the courts of district moonsiffs in the Presidency of Madras.

III. Whenever a suit pending in any civil court within the territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the court a certificate, stating the amount of stamp duty paid on the plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such certificate to the Collector of the district within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said stamp duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of the said stamp duty: provided always, there be no exception taken to the paper or endorsement thereon.

ACTS of 1848.

ACT No. XVIII. of 1848.

Passed by the Governor-General of India in Council, on the 26th August 1848.

AN ACT for the Administration of the Estate of the late Nuwab of Surat,
and to continue Privileges to his Family.

WHEREAS it is expedient to provide for the administration of the Estate of the late Nuwab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor: And whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nuwab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nuwab, on the 13th May 1800, recognized and confirmed by clause 2, section 21, Regulation II. 1827, and clause 2, section 1, Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nuwab, and it is deemed expedient that some of the said persons should continue to be privileged; it is enacted as follows:

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act; being the widows and family of the said late Nuwab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained, such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property, of whatever nature, left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nuwab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nuwab, shall be liable to be questioned in any court of law or equity.

III. The limitation of time for bringing suits in the civil courts, provided in Regulation V. 1827, of the Bombay Code, shall be held, in respect to all persons within the provisions of clause 2, section 21, of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act; subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court, on account of any cause of action which arose at a time preceding the death of the said late Nuwab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor-general of India in Council shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said clause 2, section 21, Regulation II. 1827; provided that such last-mentioned deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

- | | | | | | |
|---|---|---|---|---|----------------------|
| 1. Badsah Begum, widow | - | - | - | - | } Of the late Nuwab. |
| 2. Ameerool Nissa Begum, widow | - | - | - | - | |
| 3. Meer Juffer Ali, son-in-law | - | - | - | - | |
| 4. Zeeaoor Nissa Begum, granddaughter | - | - | - | - | |
| 5. Ruheemool Nissa Begum, granddaughter | - | - | - | - | |
| 6. Meer Moeenoodeen Khan, buckshee. | - | - | - | - | |
| 7. Meer Kumroodeen Unlud Shumsooddeen. | - | - | - | - | |

ACT

ACT No. XIX. OF 1848.

ACTS of 1848

Passed by the Governor-General of India in Council, on the 2d September 1848.

For better defining the Law as to revision of the Sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

WHEREAS it has been doubted how far section 5, Regulation IX. 1831, of the Bengal Code, is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut, at Madras, has under section 35, Act VII. 1843; it is enacted as follows:

I. So much of section 5, Regulation IX. 1831, of the Bengal Code, as is now in force, and also section 35, Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal, and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them, upon a review of the abstract statements or calendars of prisoners punished, without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence, as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the subordinate court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the abstract statements or calendars of prisoners punished, without reference, that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the judge of the court in which the conviction was had, to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the judge may be desirous of making in explanation of the verdict, judgment or sentence; and thereupon the Nizamut Adawlut or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit, call for the whole record of any criminal trial in any subordinate court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate court.

 ACT No. XX. OF 1848.

Passed by the Governor-General of India in Council, on the 23d September 1848.

AN ACT for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue, in the Lower Provinces of the Bengal Presidency.

WHEREAS, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his officer or agent to attend, or to furnish the accounts or documents required, and shall not show sufficient cause for such omission; and it is further provided, that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery

ACTS of 1848

of arrears of revenue: And whereas in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond what would be necessary if summary power were given to the officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority; it is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not show sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of 50 rupees; and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded 500 rupees, the Collector shall report the case specially to the Commissioner of Revenue; and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines, and of levying the fines so imposed in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

ACT No. XXI. of 1848.

Passed by the Governor-General of India in Council, on the 10th October 1848.

AN Act for avoiding Wagers.

WHEREAS it is expedient to discourage gaming and wagering for money; it is enacted as follows:

I. All agreements, whether made in speaking, writing or otherwise, by way of gaming or wagering, shall be null and void; and no suit shall be allowed in any court of law or equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made.

II. The several courts of justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity or Admiralty or any other jurisdiction as of the common law jurisdiction of the court, may issue summonses to witnesses, and cause them to be examined orally in open court, as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the court before the passing of this Act.

ACT

ACT No. XXII. of 1848.

Passed by the Governor-General of India in Council, on the 10th of October 1848.

AN ACT to simplify Indictments for Forgery.

FOR better avoiding the failure of justice in criminal proceedings for forgery, it is enacted as follows :

I. In any information or indictment laid or brought in the courts established by Royal Charter, for forging or in any manner uttering any forged instrument or writing, it shall not be needed to set forth any exact copy thereof, but it shall be enough to describe such forged instrument or writing in such manner as would sustain an indictment for stealing it.

ACT No. XXIII. of 1848.

Passed by the Governor-General of India in Council, on the 10th of October 1848.

AN ACT to amend a Clerical Error in Act No. XXV. of 1840.

FOR remedy of a clerical error in Act No. XXV. of 1840, it is enacted as follows :

I. Any person guilty of the offence punishable under section 7 of Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any magistrate.

ACT No. XXIV. of 1848.

Passed by the Governor-General of India in Council, on the 10th October 1848.

AN ACT for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.

WHEREAS it is expedient that the Governor-general should visit the North Western Provinces and other parts of India unaccompanied by any member of the Council of India ; it is enacted as follows :

I. During the absence of the Governor-general from the Council of India, it shall be lawful for the Governor-general alone to exercise all the powers which may be exercised by the Governor-general in Council, except such powers as may by a Resolution of the Governor-general in Council be exercised by the President in Council during the absence of the Governor-general, and except the power of making laws and regulations.

II. This Act shall commence from the day on which it shall be notified by an Order published in the " Official Gazette," that the Governor-general has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. XXV. of 1848.

Passed by the Honourable the President of the Council of India in Council, on the 25th November 1848.

AN ACT for Restoration of the Jagheer of Bunganapilly.

WHEREAS by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an agent appointed by the Governor of Fort St. George in Council, and it is now deemed expedient to restore the jagheer of Bunganapilly, to be holden by the jagheerdar, subject

ACTS of 1848. subject to the same conditions and reservations as heretofore ; it is enacted as follows :

I. On the 1st day of January 1849, the authority of the agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly, and no agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said agent and his assistants before the said 1st day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials referred by the agent before the said 1st day of January, and as to appeals from any decree made by the agent before the said 1st day of January, as if his authority had not ceased in the said district ; and their judgments and orders shall be executed in the same manner.

IV. When the agent shall have duly accounted to the Governor of Fort St. George in Council for all monies received and paid by him in his administration of the revenues of the said jagheer, and shall have received, by order of the said Governor in Council, a discharge in full of all claims against him for such administration, neither he nor any of his assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any court of justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and control of the East India Company over the said district, or of the sovereign authority of the British Government.

ACT No. XXVI. of 1848.

Passed by the Honourable the President of the Council of India in Council, on the 30th December 1848.

AN ACT to extend to the Straits the Act for regulating Coroners' Juries.

WHEREAS it is expedient to extend the operation of Act No. IV. 1848 ; it is enacted as follows :

I. From the 1st day of March 1849, Act No. IV. 1848, shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any coroner or deputy coroner ; and the word " Presidency," as used in the said Act, shall be taken to mean also the Government of the said Settlements.

ACT No. XXVII. of 1848.

Passed by the Honourable the President of the Council of India in Council, on the 30th December 1848.

AN ACT to amend the Act XII. of 1844.

WHEREAS it is deemed expedient that the Act No. XII. of 1844, entitled " An Act for better securing the Observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned ; And whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained ; it is enacted as follows :

I. From and after the 1st day of February 1849 the Articles and Orders hereinafter following, as well in time of peace as in time of war, shall be observed and put in execution in manner hereinafter mentioned, in addition to the 35 Articles and Orders contained in the said Act ; that is to say :

36th. Every person belonging to the Indian Navy, who shall be guilty of manslaughter, or any other offence against the person, or of any offence against the property of any subject of Her Majesty, or any other person entitled to Her Majesty's

Majesty's protection, or to the protection of the respective Governments of the East India Company, or any other person whomsoever, not being an enemy of Her Majesty or of the East India Company (and the punishment of which offence is not provided for by the said Act), shall be liable to transportation for life, or for a term of years, or to such other punishment, according to the nature and degree of the offence, as a Court Martial shall award.

37th. All insubordination, disorders, irregularities and neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel, or dishonest, or indecent, or malicious, or mischievous character, though not particularly specified in the said Act or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy (not being of the rank of an officer) shall be guilty of any offence which the officer in command of the ship or vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer, and the offender shall be liable to such punishment (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding 12 lashes) as such officer shall by his warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death, and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles, a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor-general in Council (if he shall think the circumstances of the case make it proper so to do) to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor-general in Council, or if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last-mentioned case, to any orders made by the Governor-general in Council, in case any such orders shall have been so made.

V. The Governor-general of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior officer, captain or commander of the Indian Navy, who shall be in any port of the East Indies, to hold Courts Martial in any such port as shall be found most expedient and for the good of the East India Company's service; and such superior officer, captain or commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th section of the said Act No. XII. of 1844, in relation to the officers of whom Courts Martial, to be held or appointed under that Act, shall be composed; it is declared and enacted, that any officers of the Indian Navy ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat if required, shall be eligible to act on any Court Martial, although such officers may not be commissioned to any ship or vessel.

VII. If on any occasion there shall not be present a sufficient number of superior officers, captains, commanders and lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of officers may, with the sanction of the Government, or officer by whose

ACTS of 1848.

authority the Court Martial shall have been convened, be made up or completed by any officer or officers in the military service of the East India Company then being commissioned and in pay, and of the rank either of Major or Captain, who may be present, and may be ordered or be ready to afford his or their services on such Court Martial; and for default of such, or of a sufficient number of such, then the deficiency may be supplied by any officer or officers of Her Majesty's Naval Service of sufficient rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The clauses and provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other clauses and provisions thereof, shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto, and to the several articles and provisions thereof respectively, as if the articles and provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the articles and provisions of that Act.

ACTS of 1849.

Acts of the Government of India. 1849.

ACT No. I. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 27th January 1849.

AN ACT to provide more effectually for the Punishment of Offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay Codes have been made from time to time, for the trial of Native Subjects of the British Government committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof; it is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded; that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, section 6 of Regulation I., and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; section 4 of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All subjects of the British Government, and also all persons in the civil or military service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British territories under the Government of the East India Company, subject to the laws of the said territories, who shall be apprehended within the said territories, or delivered into the custody of a magistrate within the said territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British territories.

III. The committing magistrate immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British territories.

V. When the offence is charged to have been committed in the territory of any Foreign

Foreign Prince or State, administered by officers acting under the authority of the East India Company, in which territory a Court, competent to try the person charged for the offence, is established by authority of the Governor-general of India in Council, the Government may order such person to be conveyed in custody out of the British territories, for the purpose of delivering him up for trial before such Court.

ACTS of 1849.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the magistrate from time to time shall require; and if Government shall order the person charged to be tried within the Presidency, the magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British territories, or for conveying him in custody out of the British territories, as aforesaid.

VIII. The word "Government," as used in the third and following sections of this Act, means the Governor, or Governor in Council, or other person or persons having supreme executive authority in the Presidency or place to which the committing magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the civil service of the East India Company, to whom the Governor-general in Council shall have delegated authority to receive reports, and give orders in cases within this Act.

ACT No. II. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 27th January 1849.

To abolish the practice of branding and exposing Convicts.

WHEREAS it is thought fit to abolish wholly the practice of branding and publicly exposing convicts throughout the territories under the Government of the East India Company; it is enacted as follows:

I. Section 11, Regulation IV. 1797, section 35, Regulation VII. 1803, and clauses 2d, 3d and 4th, section 12, Regulation XVII. 1817, of the Bengal Code; section 35, Regulation VII. 1802, of the Madras Code; and so much of clause 1st, section 3, Regulation II. of 1807, and of sections 9 and 10, Regulation XVII. of 1817, of the Bengal Code; so much of section 3, Regulation VI. of 1811, and sections 5 and 6, Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer; and so much of chapter 2, Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After the passing of this Act, it shall not be lawful for any court or magistrate, within the territories under the Government of the East India Company, to order that any brand or indelible mark, of any kind, be made or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by tusheer, or to any other degrading exposure.

ACTS of 1849.

ACT No. III. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 10th February 1849.

AN ACT to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

WHEREAS by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a company or co-partnership, by the name of "The Union Bank of Calcutta," and those who should thereafter become members and proprietors of the said Union Bank, were enabled to sue and to be sued, at law and in equity, in the name of the person who should be the secretary or the treasurer of the said bank for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said co-partnership :

And whereas a memorial has been presented to the Governor-general of India in Council, signed by Thomas Charles Morton, Esquire, Henry Burkinyoung, Esquire, Jeremiah James Homfray, Esquire, and Baboo Prosunnocoomar Tagore, all therein described as members of the executive committee of management of the said Union Bank, and also by certain persons therein described as members of the committee of creditors of the Union Bank ; that is to say, Charles Hogg, Esquire, therein described as constituted attorney for Glyn, Halifax, Mills and Company, by Henry Cowie, Esquire, and by Thomas Seddon Kelsall, Esquire ; setting forth, that the said Joint-stock Banking Company or Union Bank of Calcutta suspended payment about the close of the year 1847, and that the remaining assets of the said bank are insufficient to satisfy the outstanding debts and liabilities ; that several creditors of the bank have obtained judgment against the public officer under the said Act XXIII. 1845, and the assets of the bank being insufficient, certain of the said judgments are put in suit against individual shareholders ; and that the memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the creditors and the shareholders, an enormous sacrifice of property will speedily take place, and a great number of persons be involved in utter ruin ; that many of the creditors are willing to agree with the shareholders, and to give as complete a discharge as the law will allow, to those shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a committee of creditors appointed at a public meeting of the creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same, who shall refuse or neglect to pay the sums so assessed on them respectively ; and that many of the said shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed ; that doubts have been entertained of the legal effect of such an agreement and discharge ; and praying, therefore, that the effect of it may be established and defined, by authority of the Governor-general of India in Council, without prejudice to the rights of any creditor of the said bank executing the same against any present or past shareholder of the said bank who shall not have paid up, in the manner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any creditor who shall not execute the same ; it is declared and enacted as follows :

I. The agreement, of which a copy is annexed to this Act, being the agreement referred to in the said memorial, shall be of full force as between those creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked (A.), being the Schedule of Assessment or contribution toward the liquidation of the debts of the said bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule of Assessment ; but shall be of no force to affect the rights or liabilities of any persons other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

II. If

II. If any creditor of the said bank, who shall have executed the said agreement, shall thereafter sue out any writ of *scire facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment who shall have paid, in the manner mentioned in the said agreement, the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such creditor, and payment of the said assessment by the person against whom such writ or other proceeding shall be sued out or taken, may be pleaded in bar thereof; and all costs incurred by any such defendant in resisting such writ or proceeding shall be paid by the creditor at whose suit the same shall have been sued forth or instituted.

III. If any creditor of the said bank, who shall not have executed the said agreement, shall sue out any writ of *scire facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same or any part thereof; or if any creditor of the said bank, who shall have executed the said agreement, shall sue out any writ of *scire facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay, in the manner mentioned in the said agreement, the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such writ or proceeding, nor shall the contents thereof be received in evidence, in any court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

IV. Provided always, that nothing hereinbefore contained shall be construed to prevent any writ of *scire facias* which shall have been issued, or any action or suit which shall have been actually commenced, against any shareholder before payment of his assessment, from being prosecuted and continued afterwards, if the party instituting such proceeding chooses so to do.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment, signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kelsall, shall be filed and enrolled among the records of office of the record keeper of the Supreme Court of Judicature at Fort William in Bengal; and the Schedule so filed shall be deemed the Schedule referred to by this Act and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according to the true intent and meaning of this Act.

COPY OF AGREEMENT.

WE, the undersigned, creditors of the Union Bank of Calcutta, hereby undertake and promise, upon payment, by the executive committee of the said Union Bank, of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed, marked (A.), (which has been framed by a committee of creditors of the bank), as the Schedule of Assessment or contribution towards the liquidation of the debts of the said bank, of the several shareholders, past and present, therein named; and we promise and agree not to sue out any writ of *scire facias* against, or otherwise to molest the person or property of any shareholder or shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her assessment or contribution as aforesaid: provided, however, that nothing herein contained shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said assessment in full, nor to prevent any writ of *scire facias* which shall have been issued, or any action or suit which shall have been actually commenced against any shareholder, before payment of his assessment, from being prosecuted, and continued afterwards, if the party instituting such proceeding chooses so to do: provided further, that if any shareholder in the said Schedule named shall not have paid or given security to the executive committee of the said bank, certified by them to be sufficient for the payment of his assessment, within three months from this date if he be resident in India, or within five months if resident out of India, the same shall be increased ten

ACTS of 1849. per cent. ; and that a further per centage of the like amount shall be added after every succeeding period of three months during which the same shall remain unpaid or unsecured : provided also, that the said executive committee of the said bank do engage to pay, from time to time, such further dividends upon our respective claims, until full satisfaction thereof respectively as the sums realized from the said contribution shall enable them to do ; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate : provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve to ourselves all our rights and remedies whatsoever against the assets of the said bank, legal and equitable, and against all shareholders, present and past, not paying up the full amount of their said assessments respectively as aforesaid. In witness whereof we have hereunto set our respective hands, this 25th day of September, in the year of Christ, 1848.

ACT No. IV. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 10th February 1849.

AN ACT for the Safe Custody of Criminal Lunatics.

WHEREAS it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind ; it is enacted as follows :

I. No person who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or jury, as the case may be, in which, according to the constitution of the Court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the law of the land.

II. Whenever a person charged with any offence shall be acquitted because he is within the exception made by the foregoing section, the Court or jury shall give a special judgment or verdict that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict as aforesaid shall have been given against any person, the Court before which the trial was had shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon ; and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept who shall be hereafter acquitted for unsoundness of mind.

V. No person against whom any such special judgment or verdict shall have been given shall be entitled to be discharged out of custody on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a lunatic asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order ; and, when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged out of custody.

VII. The

VII. The word "Government" in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had. ACTS of 1849.

ACT No. V. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 3d March 1849.

AN ACT for better defining the Duties of Customs and Excise.

WHEREAS under the regulations in force for taking a duty of twenty Spanish dollars for each and every leaguer of arrack or Asiatic rum imported into and intended for consumption within Prince of Wales' Island, Singapore and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a leaguer, and it is expedient that such doubts be removed, and that the meaning of all such or the like expressions in any Regulation or Act for the levy of custom or excise duties within the territories under the Government of the East India Company be plainly declared, it is declared and enacted as follows :

I. Whenever, by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

ACT No. VI. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 17th March 1849.

For securing Military and Naval Pensions and Superannuation Allowances.

WHEREAS it is expedient to consolidate and extend the operation of the law, as to the exemption of military and naval pensions, and other superannuation allowances, from seizure under process of law, it is enacted as follows :

I. Regulation XII., 1814, of the Bengal Code, and Act XXXI., 1845, are repealed.

II. The reduced pay or pension, however called, of any invalid officer, soldier, sailor or retainer of the army or navy, in the military or naval service of the East India Company, and also any monthly or yearly pension, or pecuniary allowance to any person, in consideration of past services and present infirmities or old age, granted by authority of the Governor-general in Council, or of the Governor or Governor in Council, or Lieutenant-governor, of any presidency or place within the territories under the Government of the East India Company; and also the pension of any out-pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment or sequestration by process of any Court within the said territories, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales and securities of every kind made by any such pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by royal charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale or security by any such pensioner, made

ACTS of 1849.

before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras; or before the 27th December 1845, in respect of a pension or allowance granted in the Presidency of Bombay; or before the 27th May 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

ACT No. VII. of 1849.

Passed by the Honourable the President of the Council of India in Council,
on the 7th April 1849.

An Act for the Appointment of an Administrator General in Bengal.

WHEREAS it is expedient to disconnect the administration of the estates of British subjects dying intestate in the Presidency of Fort William in Bengal from the office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator-general there; it is enacted as follows:

I. Whenever, after the passing of this Act, any British subject shall die intestate within the Presidency of Fort William in Bengal, or the territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of kin shall appear, and make out their claim to the administration of the effects of the deceased to the satisfaction of the said Court, and also, whenever the executor or executors, appointed by the will of any British subject dying therein, shall refuse to prove the will, the Administrator-general created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such letters of administration or *Ad Colligenda Bona* as to such Court shall seem meet; by virtue whereof the said Administrator-general shall collect the assets of the deceased, and account for them as herein provided.

II. All letters of administration, or *Ad Colligenda Bona*, granted to the Ecclesiastical Registrar of the Supreme Court, and all probates granted to such officer, of wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, executors thereof; and all estates, effects and interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all books, papers and documents belonging to him, or in his possession, or under his control by virtue of such letters or probates, shall by this Act, and without other grant, be transferred to the Administrator-general by this Act created; who shall be, to all intents and purposes, such administrator, executor, or grantee, in his new character of Administrator-general, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such administrator, executor or grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator-general, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and as such Administrator-general shall be entitled to receive or retain all commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act on any such grants as aforesaid.

IV. On all future vacancies of the office, the Administrator-general shall be appointed by the Governor-general of India in Council.

V. After the passing of this Act, the Administrator-general shall not be deemed, in that capacity, an officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary executor, administrator, or grantee of letters *Ad Colligenda Bona*, as the case may be.

VI. Every Administrator-general shall give security, by bond, to the East India Company, himself for one lakh of rupees, with two or more sureties, jointly and severally, for another lakh of rupees, for the due execution of his said office, and shall not be required by the said Supreme Court to enter into any administration bond, or to give other security to that Court on the grant of any such letters as aforesaid.

VII. The

VII. The Administrator-general shall receive for the discharge of his duties as such Administrator-general, under all such grants of letters as aforesaid, made after the passing of this Act, or on probates of wills, so granted, after the passing of this Act, wherein he is named executor by virtue of his office, instead of the commission heretofore received by the Ecclesiastical Registrar, a commission calculated after the rate of three rupees in every hundred rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and out of the said commission of three rupees in the hundred, shall defray the expenses of the necessary establishment, and all other charges to which the said office may be subject.

VIII. No person other than the Administrator-general shall be entitled to charge any commission or agency, as executor of any will, of which probate shall have been granted in the said Presidency after the passing of this Act, or as administrator of any effects whereof administration shall have been granted in the said Presidency after the passing of this Act; but this enactment is not to be deemed to hinder any executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of commission, or in any other manner.

IX. The assets belonging to the estates administered by the said Administrator-general shall be kept by him in the treasury of the East India Company, or otherwise kept and invested by him, in such manner as the Governor-general of India in Council shall from time to time order, which order shall be published in the Calcutta Gazette, and shall be full authority, protection and indemnity in all courts whatsoever for such keeping and investing.

X. The said Administrator-general shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act, and likewise of all payments made by him on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Administrator-general's office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as may be from time to time fixed therefore by the Governor-general of India in Council, and published in the Calcutta Gazette.

XI. The Administrator-general shall twice in every year, that is, on the 1st day of March and on the 10th day of August, or on the first day on which the said Court shall be sitting after those days, exhibit and deliver in open Court a true schedule, showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances, during the period of six months ending severally on the 31st day of December and 30th day of June next before the day of delivering such schedule; and a true list of all bonds or other securities received on account of each of the said estates during the same period, and also a true schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same during the same period, specifying the amount of such balances and the persons to whom paid, which schedules shall be filed of record in the said Court, and shall, within 14 days afterwards, be published in the Calcutta Gazette by the said Administrator-general; and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company, for publication in the London Gazette.

XII. The Governor-general of India in Council shall from time to time appoint an auditor or auditors to examine the accounts of the Administrator-general at the time of the delivery of the said schedules, and also at any other time when the Governor-general of India in Council shall think fit.

XIII. The auditor or auditors shall examine the schedules and accounts, and report to the said Governor-general of India in Council whether they contain a full and true account of everything which ought to be inserted therein, and

ACTS of 1849. whether the books by this Act directed to be kept by the Administrator-general are duly and regularly kept, and whether the assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every auditor shall have power to summon as well the Administrator-general as any other person or persons whose presence he may think necessary, to attend him from time to time, and to examine the Administrator-general or other party or parties, if he shall think fit, on oath or solemn affirmation, to be by him administered, and to call for all books, papers and documents which may appear to him to be necessary for the purposes of the said reference; and if the Administrator-general or other person or persons when summoned shall refuse, or without reasonable cause neglect to attend, or to produce any books, papers or documents required, or shall attend and refuse to be sworn or make a solemn affirmation when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the auditor or auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination, shall be defrayed proportionably by all the estates, the accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the auditor or auditors, subject to the approval of the Governor-general of India in Council, and shall be paid out of the said estates accordingly by the Administrator-general.

XVI. If, upon any such reference and examination, the auditor or auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor-general of India in Council, specifying the substance of the objections thereto.

XVII. The Governor-general of India in Council shall refer every such report as last aforesaid to the consideration of the Advocate-general of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily by petition for an account against the said Administrator-general, or against the late Administrator-general, after his removal from office, or against his personal representatives, in case of his death, in respect of all or any of the estates then or formerly under his care, as the said Advocate-general shall think fit, and shall have power to exhibit interrogatories to the said Administrator-general or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a bill filed for the like purpose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the Advocate-general, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the estates rateably, as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same were in the first instance contributed, and the Court shall have power to order the Administrator-general, or other person or persons defendants, to receive his or her costs out of the said estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XX. Whenever any British subject shall die within the said Presidency intestate, and letters of administration to his or her effects shall not be taken out for three months after the death, and the Administrator-general shall be satisfied that such effects do not exceed in the whole 500 rupees, he may, if he shall think fit, grant to any person claiming to be entitled to a principal share of the effects of the deceased, certificates under his hand, entitling the claimant to receive the sums or securities for money therein severally mentioned belonging to the effects of the deceased, to the value of any sum not exceeding in the whole 500 rupees.

XXI. The

XXI. The Administrator-general shall not be bound to grant any such certificate, unless he is satisfied of the title of the claimant, and of the value of the effects of the deceased, either by the oath or affidavit of the claimant, or by such other evidence as he shall require.

ACTS of 1849.

XXII. Any such certificate, with a receipt annexed, under the hand of the person to whom the certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the money or security for money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same; but any next of kin, or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator-general shall not be bound to take out letters of administration to the effects of any deceased person on account of whose estate he shall grant any such certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded 500 rupees.

XXIV. For every such certificate the Administrator-general shall be entitled to charge a fee calculated after the rate of 3 rupees in the 100 on the amount mentioned in the certificate.

XXV. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury; and, if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labour, and may extend to two years.

ACT No. VIII. of 1849.

Passed by the Honourable the President of the Council of India in Council,
on the 12th May 1849.

AN ACT for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts No. XXI. 1839 and No. III. 1842, to the town of Madras, it is enacted as follows:

I. All powers given by Act No. XXI. 1839, or Act No. III. 1842, to any justice of the peace for the town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies within the town of Calcutta, and of assaults on board of merchant ships in the river Hooghly, may be exercised by any justice of the peace, appointed to be a police magistrate for the town of Madras, for the trial and punishment of the like larcenies and felonies within the town of Madras, and the like assaults on board of any merchant ship in the Madras Roads.

II. In execution of the powers of the said Acts by any police magistrate for the town of Madras, the said Acts shall be read as if the town of Madras and Supreme Court of Judicature at Madras, were severally mentioned therein instead of the town of Calcutta and Supreme Court of Justice at Calcutta; and as if the Madras Roads were mentioned therein instead of the river Hooghly or the mouths thereof.

ACT No. IX. of 1849.

Passed by the Honourable the President of the Council of India in Council,
on the 12th May 1849.

AN ACT for enabling one Police Magistrate to exercise in certain cases, the Powers of two Justices in the Presidency of Fort St. George.

WHEREAS it is expedient to apply the provisions of the Acts No. IV. 1835, No. I. 1837, and No. XXXII. 1838, to the Presidency of Madras, it is enacted as follows:

17.

o 3

I. All

ACTS of 1849.

I. All powers whatever in criminal cases, which by virtue of any law now in force, may be exercised by two justices of the peace, or by two police magistrates within the Presidency of Fort St. George, and places subordinate thereto, may be exercised by one justice of the peace appointed to be a police magistrate within the said Presidency.

II. Any one justice of the peace appointed to be a police magistrate within the said Presidency, may issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, c. 52; and every such warrant shall have the same force as if it were under the hands and seals of two justices.

ACT No. X. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 26th May 1849.

AN Act for appointing a Commissioner of Revenue at Madras.

WHEREAS it is expedient that the Governor of Fort St. George in Council should be empowered to depute a member of the Board of Revenue, to perform in any of the districts of that Presidency, all or any of the duties which, by the general regulations and laws of the Presidency, belong to the Board of Revenue collectively, it is enacted as follows:

I. The Governor of Fort St. George in Council may, from time to time, whenever he shall see fit, depute a member of the Board of Revenue to perform alone, in any of the districts of that Presidency, all or any of the duties which, by the general regulations and laws of the Presidency, belong to the Board of Revenue collectively.

II. When a special commission shall be given to a member of the Board of Revenue under this Act, the member of the Board named therein shall, by virtue thereof, be empowered to exercise, within the limits of his commission, all the powers and duties which by law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions which shall be prescribed in such commission; and all regulations and acts concerning the Board of Revenue shall be deemed to apply to the said commissioner within the limits of his commission, and with regard to all things concerning the revenues of the district included in it, so far as is necessary to give full effect to his commission and to this Act.

III. Every such commission shall be published in the Fort St. George Gazette, and the commissioner shall enter on his office from the date of such publication; and in like manner the revocation or other determination of any such commission shall be published in the Fort St. George Gazette.

IV. The correspondence and other documents belonging to any such commission shall be deposited, on the determination thereof, in the office of the Board of Revenue, and shall be deemed records of the said Board.

ACT No. XI. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 11th August 1849, with the Assent of the Most Noble the Governor-general of India.

For securing the Abkaree Revenue of Calcutta.

FOR better securing the Abkaree Revenue of Calcutta, it is enacted as follows:

I. Act I. 1842, Act XXVI. 1845, section 26, Regulation II. 1802, of the Bengal Code, and so much of clause 159, of an Act of Parliament, numbered chapter 52, of the statutes passed in the 33d year of the reign of king Geo. 3, as relates to the sale of arrack or other spirituous liquors, within the town of Calcutta,

Calcutta, and to the punishment of unlicensed traders in spirits or spirituous liquors, within the said town, are repealed.

ACTS of 1849-

II. The collection of the revenue arising from the retail sale of spirituous or fermented liquors and intoxicating drugs, within the town of Calcutta, shall be under the charge of the Collector of Calcutta, who shall perform the duties connected therewith, under the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium, and all proceedings of the Collector held under this Act, shall be subject, with or without appeal, to their revision.

III. The Collector may appoint constables, darogahs, jemadars, burkundauzes and other officers, for collection of the said revenue and prevention of smuggling; and the officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

IV. Every person who shall sell, by retail, any spirituous or fermented liquors or intoxicating drugs, hereinafter specified, within the town of Calcutta, without a license for that purpose, under the hand and seal of the Collector of Calcutta, shall be liable to a fine not exceeding 500 rupees for each sale; but this enactment shall not apply to wholesale dealers selling such small quantities of beer, wines or spirits, as may appear to the Collector to be intended only as samples.

V. A sale of English or foreign beer, wines or spirits, in any quantity not exceeding two gallons, or of Bengal arrack or rum, or other country spirit in any quantity not exceeding one seer, or of tauree in any quantity not exceeding four seers, or of ganjah or bhang, or any preparation or admixture of the same, in any quantity not exceeding one quarter of a seer, or of churrus, opium, chundoo or muddut, or any preparation or admixture of the same, in any quantity not exceeding the weight of five tolaahs, shall be deemed a retail sale within the meaning of this Act.

VI. The sale of Bengal arrack or rum, or other country spirit, or of tauree, or of ganjah or bhang, or any preparation or admixture of the same, or of churrus, opium, chundoo or muddut, or any preparation or admixture of the same, in quantities larger than those specified for each article in section 5 of this Act, is prohibited; and every person who shall act in breach of this prohibition, shall be liable to the fine prescribed in section 15, for the illicit possession of these articles; but this prohibition does not apply to the sale of spirituous or fermented liquors and intoxicating drugs, imported into Calcutta, under passes from the Collector, or other officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Bengal rum under bond for exportation by sea, or to the sale of opium intended for exportation by sea, and covered by a certificate to that effect, issued under the authority of the Board of Customs, Salt and Opium.

VII. The Board of Customs, Salt and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

VIII. Every person taking out a license for the retail sale of spirituous or fermented liquors or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorized to demand, in consideration of the privilege granted, such fee, tax or duty as may, from time to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax or duty may be made payable in advance, or at such period as may be settled by the Collector.

X. The Collector may withhold or recall a license, if any such fee, tax or duty be not duly paid, according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of the Commissioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling by retail any spirituous or fermented liquors, or intoxicating drugs above specified, within the town of Calcutta, whilst such license is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of spirituous or fermented liquors or intoxicating drugs.

ACTS of 1849.

XI. Any licensed retail dealer may surrender his license on giving 15 days' previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. It shall not be lawful for the justices of the peace for the town of Calcutta, to grant a license to open or establish or keep open any hotel, punch house, boarding house, or any other house of public entertainment, within the town of Calcutta, in which any spirituous or fermented liquors or intoxicating drugs above specified, may be sold to any person who has not taken out a license for the retail sale of such liquors and drugs; and any such license, granted by any justice of the peace, shall become void whenever the license, for the retail of such liquors and drugs, granted to such person, is withheld or recalled by the Collector under this Act.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, provided that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a license granted under this Act, shall, beside entailing forfeiture of the license, be punishable by a fine not exceeding 50 rupees; and such fine shall be recoverable from the licensed dealer notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop.

XV. Any person not being a licensed dealer, having in his possession, and any person carrying within the town of Calcutta any greater quantity of spirituous or fermented liquors, or intoxicating drugs above specified, or any preparation or admixture of the same except English and foreign beer, wines and spirits, than the quantity specified for each article in section 5 of this Act, and not being protected by a pass or permit from the Collector or other officer duly empowered in that behalf, shall be liable to a fine not exceeding 500 rupees, except in the case of opium; and in the case of opium, to a fine not exceeding the rate of 16 rupees for each seer found in the possession of or carried by such person; and if such last-mentioned fine shall not amount to 500 rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to 500 rupees.

XVI. Beside the penalties above specified for the illicit sale, possession and carrying of spirituous or fermented liquors or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act shall be seized and confiscated; and the vessels, packages and coverings in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

XVII. Any abkaree officer above the rank of a peon or chauprassy may enter and inspect at any time, by day or by night, and any abkaree officer may enter and inspect by day the house or shop in which any licensed dealer shall carry on the sale of spirituous or fermented liquors, or intoxicating drugs.

XVIII. Every person holding a license for the sale of spirituous or fermented liquors or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall show the license on the demand of any abkaree officer who shall desire to see the same; and any licensed dealer who shall refuse, or be unable to produce his license, on the demand of any abkaree officer, shall be liable to a fine, not exceeding 200 rupees.

XIX. Any abkaree officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them.

XX. If the Collector has good reason to believe, either from information given by any abkaree officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any spirituous or fermented

fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector by warrant under his hand may empower any abkaree officer, above the rank of jemadar or peons, between sunrise and sunset, but always in the presence of a constable or other officer of the peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs; and in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquors or drugs, whom he shall find on the premises; provided, that where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana, the officer charged with the execution of the warrant, shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XXI. All constables and other ministerial officers of the peace are required to help the abkaree officers in the due execution of this Act, upon notice given or request made by any such abkaree officer: and any officer who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by section 27 of this Act, for abkaree officers conniving at the escape of a person arrested under this Act.

XXII. Whenever any abkaree officer, duly authorized under this Act, shall arrest any person, or shall seize any spirituous or fermented liquors or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit articles, he shall carry the person arrested, with the illicit articles seized, with all convenient despatch, to the Collector, and shall, within 24 hours thereafter, make a full report to the Collector of all the particulars of such arrest, seizure or search. And the Collector, after such further inquiry as he deems necessary, shall forthwith either release the person arrested, or send him in custody to a justice of the peace for the town of Calcutta.

XXIII. Every person who shall maliciously give false information against any person for being engaged in the unlicensed sale of spirituous or fermented liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop any spirituous or fermented liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine not exceeding 500 rupees, or to imprisonment in the common gaol for a period not exceeding six months, or to both.

XXIV. Every person who shall obstruct or molest any abkaree officer, or any person acting in aid of such officer, in the due execution of this Act, shall be liable to a fine not exceeding 500 rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any abkaree officer who shall delay carrying to the Collector any person arrested or any illicit articles seized under this Act, or who shall neglect to report the particulars of an arrest, seizure or search, within 24 hours thereafter, shall be liable to a fine, not exceeding 200 rupees.

XXVI. Any abkaree officer who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit spirituous or fermented liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding 500 rupees.

XXVII. Any officer, employed in the abkaree department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of spirituous or fermented liquors, or intoxicating drugs, without licence, or by any licensed dealer, contrary to the terms of such licence, or act in a manner inconsistent with his duty for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or

ACTS of 1849.

broken, or the abkaree revenue defrauded, shall be liable to a fine, not exceeding 500 rupees.

XXVIII. Any abkaree officer who shall ask or take any gratuity, not authorized by any law or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing, or of omitting to do, any act in his official capacity, and any person who shall offer a bribe to any such officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine not exceeding 500 rupees.

XXIX. Whenever any goods or chattels shall be seized by an abkaree officer, as liable to confiscation under this Act, such seizure shall, upon information, exhibited by order of the Collector, be heard and determined in a summary way, by any Justice of the Peace for the town of Calcutta; and such Justice shall cause the persons to whom such goods and chattels belong, to be summoned to appear before him, and upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt and Opium.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one calendar month no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Collector in the "Calcutta Gazette," and give judgment for the confiscation of such of the goods and chattels as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXXI. All fines leviable under this Act, except under section 38, shall be adjudged by any Justice of the Peace for the town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall, forthwith, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the common gaol, for a period not exceeding six months, or until the fine is sooner paid; and no proceedings shall be taken under this section by any Justice of the Peace after the expiration of three calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the common gaol, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying or sale of spirituous or fermented liquors, or intoxicating drugs, and of the proceeds from sale of articles confiscated, except opium, and in the case of opium confiscated, and declared by the opium examiner at the Presidency to be fit for use, a reward of 1 rupee 8 annas for each seer, shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender, or seized the illicit articles; and the other half, or in the case of opium as aforesaid, a reward of 1 rupee 8 annas for each seer shall be given to the informer; and, if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of 200 rupees, as may appear to them fit; and the Board of Customs, Salt and Opium may direct, by general order, what class of abkaree officers shall receive rewards, and what classes shall have no title to share therein.

XXXIV. All

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

XXXV. No writ of *certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove or in anywise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Commissioner of Abkaree, and, in his absence, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply), and, if he or they shall see cause, may direct that the seizure, or any part thereof, be restored, and may remit or mitigate any penalty, and discharge the party.

XXXVII. All actions and prosecutions to be commenced against the collector or any abkaree officer, or any person acting in aid of any such officer, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the defendant.

XXXVIII. The collector, in respect of the duties to be performed by him, under this Act, shall have power to punish any contempt committed in his presence in open cutcherry, by fine, not exceeding 200 rupees, commutable, if not paid, to imprisonment in the common gaol, for a period not exceeding one month: Provided, that an appeal, from any order passed under this section, shall lie to the Commissioner of Abkaree, and, in his absence, to the Board of Customs, Salt and Opium; and the decision of the Commissioner or Board thereon shall be final.

ACT No. XII. of 1849.

Passed by the Honourable the President in Council of India in Council, on the 11th August 1849; with the assent of the Most Noble the Governor-General of India.

For improving the Jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI., Regulation II. 1827, of the Bombay Code.

WHEREAS the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the island of Bombay, within the jurisdiction of the Supreme Court of Judicature there; for remedy thereof, it is enacted as follows:

I. The Sudder Adawlut of the Presidency of Bombay, and the several officers thereof, shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court, or for resistance to the lawful authority of any officer in execution of any process or order of the Court, as if the Court were held in the zillah nearest to the island of Bombay.

II. The Acts and Orders of the said Sudder Adawlut, and of its officers, in execution of any process or order of the Court, shall not be liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the zillah nearest to the island of Bombay.

ACTS of 1849.

III. Any criminal Court having cognizance of any offence under section XXXVI., Regulation II. 1827, of the Bombay code, may issue a warrant under the hand of the judge, or one of the judges, and the seal of the Court, for the arrest of the person accused; and may commit him to gaol, unless security be given to the satisfaction of the Court for his appearance to answer the charge.

IV. Offenders against Section XXXVI., Regulation II. 1827, of the Bombay code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the Court to which they belong at the time of committing the offence.

ACT No. XIII. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 18th of August 1849, with the assent of the Most Noble the Governor-General of India.

To prevent the Smuggling of Salt into Calcutta.

For preventing the smuggling of Salt into Calcutta, it is enacted as follows:

I. The Governor of Bengal may establish as many chokies as he shall deem necessary for preventing the smuggling of alimentary salt into the town of Calcutta, and upon that part of the River Hooghly which lies within the local jurisdiction of the Supreme Court, and such chokies shall be under the charge of an officer to be styled "the Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

II. The superintendent may appoint darogahs, mohurrers, jemadars, burkundauzes, and other officers to assist him in the discharge of his duties; and the officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting salt imported by sea, and stored under bond, as provided by Act No. XXV. 1836, it shall not be lawful to import alimentary salt into the town of Calcutta, or to carry such salt within the said town, or upon the River Hooghly, as aforesaid, in excess of the quantity of 10 seers of 80 tolahs to the seer, or to store such salt within the said town in quantities exceeding one maund, except under a rowannah or special pass from the Board of Customs, Salt and Opium, or a charchittee or pass from the said superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

IV. All alimentary salt, found within the said town or upon the River Hooghly as aforesaid, in contravention of this Act, shall be deemed contraband and liable to seizure and confiscation; and if several persons shall be found carrying salt, unprotected by a rowannah or charchittee as aforesaid, in gangs or companies, which salt shall exceed in the whole quantity 10 seers, such salt shall be deemed contraband; but no salt found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry within the said town or upon the River Hooghly as aforesaid, under a rowannah or charchittee, a greater quantity of salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than 1-40th part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah or other person in charge of the salt shall be liable to a fine of 10 rupees for every maund of salt in excess of the quantity specified in the said document; and the excess shall be calculated upon the whole despatch as provided in Section II., Regulation IV. 1832, of the Bengal Code.

VI. The

VI. The provisions contained in sections 36 to 47, both inclusive, Regulation X, 1819, and in Regulation IV, 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up and falsifying of rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any salt shall be seized as contraband, the vessels, packages and coverings in which such salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession contraband salt shall be found, except in the case provided for by section 5 of this Act, shall be liable to a fine, calculated at a rate, not exceeding five rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the revenue, shall be liable to the whole fine.

IX. The superintendent of salt chokies, and any of his subordinate officers, and any officer of any other department whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing or carrying any salt, without a rowannah or charchittee, or otherwise liable to confiscation under this Act; and may seize the salt, with the vessels, packages and coverings in which the salt is found, and the animals and conveyances used in carrying it.

X. If the superintendent has good reason to believe, either from information given by any of his subordinate officers or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that contraband salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a constable or other officer of the peace, to enter into every such place where any such contraband salt as aforesaid is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises; and if the superintendent shall not be able to proceed in person to make the seizure, he may, by warrant under his hand, empower any officer of salt chokies, above the rank of a jemadar of peons, to make the same; and the officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the superintendent himself; provided that, where there is ground to suspect that such contraband salt as aforesaid is concealed in any zenana, the superintendent or officer authorized as aforesaid shall follow as closely as may be the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XI. All constables and other ministerial officers of the peace, are required to help the superintendent and his subordinate officers and other officers authorized to make a seizure of salt, in the due execution of this Act, upon notice given or request made by the superintendent, or any such officer; any officer who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine not exceeding 500 rupees.

XII. Whenever a seizure of salt, in store in any place, shall be made by the superintendent, the facts of the seizure shall be recorded in an official proceeding to be placed on record in his office; and if the seizure shall be made by a subordinate officer, such officer shall report the circumstances, within 24 hours, to the superintendent.

XIII. Every person who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any salt, in contravention of this Act, shall be liable to a fine not exceeding 500 rupees, or to imprisonment in the common gaol for a period not exceeding six months, or both.

XIV. Every person who shall obstruct or molest the superintendent, or any officer of salt chokies, or any officer of another department duly authorized to make a seizure of salt, or any person acting in aid of the superintendent, or any officer, as aforesaid, in the due execution of this Act, shall be liable to a fine not exceeding.

ACTS of 1849.

exceeding 500 rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any officer of Salt Chokies, or any officer of another department, duly empowered to make a seizure of salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure or search, within 24 hours thereafter, shall be liable to a fine, not exceeding 200 rupees.

XVI. Any officer of Salt Chokies, or any officer of another department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for contraband salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding 500 rupees.

XVII. Any officer employed in the Salt Chokie department, or any officer of another department, as aforesaid, who shall connive at the smuggling of salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from salt defrauded, shall be liable to a fine, not exceeding 500 rupees.

XVIII. Any officer employed in the department of Salt Chokies, or any officer of another department, as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding 500 rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any contraband salt, he shall, with all convenient despatch, carry the person arrested, with the salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the town of Calcutta, and if the arrest or seizure shall be made by any of his subordinate officers, or other officer duly empowered, such officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

XX. Whenever any salt or other chattels shall be seized by the Superintendent, or other duly authorized officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

XXI. Whenever any salt, or other chattels shall be seized, as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the Calcutta Gazette, and give judgment for the confiscation of such salt and other chattels, as, upon such examination, shall appear to him confiscable; and, upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the town of Calcutta, and the said Justice, upon information exhibited.

exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and, upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the common gaol of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

XXIII. Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the common gaol, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation or storing of salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the officer or officers subordinate to the Superintendent, or other duly authorized officer of another department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of 200 rupees, as may appear to them fit; and such officers and informers shall further be entitled to the rewards specified in Section IV., Act No. IX. of 1835. Provided that the Board of Customs, Salt and Opium may direct, by general order, what classes of officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All fines, levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No writ of certiorari shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply), and, if they shall see cause, may direct that the seizure, or any part thereof be restored, and remit, or mitigate the penalty and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any officer of Salt Chokies, or any officer of another department duly empowered to seize contraband salt, or any person acting in aid of the Superintendent, or other officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant, one calendar month at least before the commencement of the action; and no plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought a sufficient sum of money shall have been paid into court, with costs, by or on behalf of the defendant.

XXIX. The term alimentary salt as used in this Act shall be held to include and apply to noonchye, puckwah, and every other kind of salt substance, used as a seasoning for food.

ACTS of 1849.

ACT No. XIV. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 25th August 1849, with the assent of the Most Noble the Governor-General of India.

To punish tampering with the Army or Navy.

WHEREAS the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the forces of the East India Company, or to seduce them from their allegiance and duty, it is enacted as follows:—

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the military or naval forces of the East India Company, from his or their allegiance to Her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer transportation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any magistrate within the territories under the government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by royal charter within the Presidency in which he is in custody.

III. No court shall on the trial of any offence under this Act require any futwa from any law officer.

IV. This Act shall not exempt any person governed by the articles of war from being tried by a court martial, and punished according to the articles of war, nor any person belonging to the Indian navy from being tried by a court martial, and punished according to the laws for the observance of discipline in the Indian navy; but no person shall be tried for the same offence under the said articles or laws, and also under this Act.

ACT No. XV. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 26th October 1849, with the assent of the Most Noble the Governor-General of India.

AN ACT to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.

WHEREAS it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, it is enacted as follows:—

I. Clause 1st, Section VI., Regulation XVIII., 1827, of the Bombay Code, is repealed.

INDEXES
TO THE
ACTS OF THE GOVERNMENT OF INDIA,
FOR 1847, 1848, AND 1849.

INDEX to the ACTS for 1847.
(Nos. I. to XXIII.)

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
A.				
Act V. of 1840; the meaning of the words "Her Majesty's Courts of Justice" in Section IV. of, declared. [See Declaration, Affirmation, and Courts of the Justices of the Peace]	II.	-	-	-- Her Majesty's Justices of the Peace.
Acts XXI. of 1835 and XXII. of 1844, not to apply to Copper Currency of the Settlements of Penang, Singapore, and Malacca. [See Copper Coins]	VI.	I.	-	-- Straits Settlements.
Act XV. of 1842; Emigration to Mauritius from Madras, allowed under. [See Emigration]	VIII.	I.	-	Madras.
XXX. of 1836; amended. [See Transportation]	X.			
XIV. of 1839; so far as its provisions prohibit Emigration of the natives of India to the island of Ceylon, repealed. [See Emigration and Ceylon]	XIII.	I.	-	General.
XXIV. of 1840; relating to the collection and disbursement of Assessments for the town of Calcutta, repealed	XVI.	I.		
XX. of 1845; containing Articles of War, repealed	XIX.	I.		
XXXI. of 1838; section XVII., modified. [See Transportation]	XXIII.			
Affirmation. [See Courts of the Justices of the Peace.]				
Alluvial Lands. [See Lands.]				
Appeals; defaults in the prosecution of. [See Defaults.]				
Arrears of small rents of premises in Calcutta how to be recovered hereafter by distress. [See Distraining Bailiffs.]				
Articles of War made for the Government of Native officers and soldiers, and regulating Courts Martial held on them. Articles of War in Act XX. of 1845 to remain in force in what particular respects	XIX.	II.	-	General.
preliminaries to be observed before enrolling a recruit	"	I.	1.	
dismissal of Commissioned, Non-commissioned officers and soldiers shall be subservient to whose orders	"	"	2.	
certificate of discharge to be given to Non-commissioned officers and soldiers	"	"	3.	
penalty for non-commissioned officers or soldiers enlisting themselves in other regiments without a regular discharge	"	"	4.	

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; mutiny or sedition - - -	XIX.	II.	5.	
- using or offering violence				
- against superior officer - - -	"	"	6.	
- disobeying commands - - -	"	"	7.	
- deserting the service - - -	"	"	8.	
- sleeping while upon posts as				
sentries, or leaving them without being				
relieved or without leave, or plundering				
or injuring property under their charge	"	"	9.	
- abandoning or delivering up				
any garrison, fortress, post or guard, or				
inducing others to do the same - - -	"	"	10.	
- abuse of watchword - - -	"	"	11.	
- corresponding with the enemy,				
or suppressing knowledge of such cor-				
respondence - - -	"	"	12.	
- assisting or relieving the				
enemy with money, &c., or harbouring				
or protecting him - - -	"	"	13.	
- allowing prisoners to escape -	"	"	14.	
- misbehaving before the enemy				
or inducing others to do the same -	"	"	15.	
- casting away arms or ammu-				
nition before the enemy - - -	"	"	16.	
- going in search of plunder to				
the neglect of duties - - -	"	"	17.	
- doing violence to persons				
bringing provisions to the camp, forcing				
safe guards, or breaking into any house				
for plunder or plundering fields or				
gardens - - -	"	"	18.	
- raising false alarms - - -	"	"	19.	
- releasing or suffering state				
prisoners to escape, conniving at the in-				
jury of property in time of war or plun-				
dering treasure, &c. - - -	"	"	20.	
- sentries leaving posts without				
being relieved, or without leave while				
placed over state prisoners, treasure,				
magazine or dock-yard, or sleeping upon				
their posts, or plundering property placed				
under their charge :				
If an officer, how to be punished.				
If a soldier, - ditto - - -	"	"	21.	
- officers or soldiers creating				
unnecessary alarm by spreading reports				
during operations in the field - - -	"	"	22.	
- in or before actions creating				
alarm or despondency - - -	"	"	23.	
- being drunk when on duty -	"	"	24.	
- striking or forcing any sentry	"	"	25.	
- insubordination or insolence				
of soldiers to superior officers or Courts				
Martial - - -	"	"	26.	
- refusing to assist in making				
field works :				
If an officer, how to be punished.				
If a soldier - ditto - - -	"	"	27.	
- officers improperly behaving	"	"	28.	
advising or conniving at de-				
sertion - - -	"	"	29.	
- obtaining pensions or allow-				
ances by false statements or certificates,				
or by omitting true statements, &c. -	"	"	30.	
- making false returns or re-				
ports of men, arms, ammunition, &c. -	"	"	31.	
- illegally extorting money or				
property on any pretence, or exacting				
from villagers carriage, portorage, or				
provisions - - -	"	"	32.	
- defiling places of religious				
worship, and insulting religious preju-				
dices of others :				
If an officer, how to be punished.				
If a soldier - ditto - - -	"	"	33.	

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; leaving arrest or confinement without authority - - -	XIX.	II.	34.	
" malingering, feigning or intentionally producing disease, or delaying cures and aggravating diseases -	"	"	35.	
" plundering and injuring property - - -	"	"	36.	
" soldiers when off duty carrying weapons - - -	"	"	37.	
" selling, pawning, losing or injuring horse, arms, clothes, &c. &c., how punishable - - -	"	"	38.	
" officers or soldiers embezzling or misapplying any money, provisions, &c., entrusted to them, or spoiling such property, how punishable -	"	"	39.	
" soldiers guilty of disgraceful conduct in maiming or injuring themselves or other soldiers - - -	"	"	40.	
" purloining or selling Government stores - - -	"	"	41.	
" stealing soldiers', officers' or others' money or goods - - -	"	"	42.	
" plundering or injuring property placed in charge of a sentry -	"	"	43.	
" embezzling or misapplying public money - - -	"	"	44.	
" committing petty offences of a fraudulent nature to the injury of the Government or any person - -	"	"	45.	
" guilty of any other disgraceful conduct, how punishable - - -	"	"	46.	
" officers or non-commissioned officers striking or ill treating a soldier - - -	"	"	47.	
" sentry sleeping upon his post in time of peace, or leaving it before relief - - -	"	"	48.	
" officers or soldiers enlisting a deserter - - -	"	"	49.	
" requiring or accepting bribes for procuring leave of absence, promotion or any other advantage for any officer or soldier - - -	"	"	50.	
" not doing reparation for injuries complained of to them - -	"	"	51.	
" refusing to receive prisoners committed to their charge, releasing prisoners without authority, or allowing them to escape - - -	"	"	52.	
" quitting guards or picquets in time of peace without being relieved -	"	"	53.	
" impeding the provost marshal or his assistants, or other exercising authority, or refusing assistance to them - - -	"	"	54.	
" not rejoining their regiments ordered on service on being required to do so during their absence -	"	"	55.	
" occasioning false alarms in time of peace by discharging fire-arms, &c.	"	"	56.	
" failing to repair to the parade for exercise - - -	"	"	57.	
" quitting their company or troop or the parade - - -	"	"	58.	
" absenting without leave, or without cause overstaying the period of leave - - -	"	"	59.	
" soldiers found two miles from the camp contrary to orders -	"	"	60.	
" absenting from the cantonment after tattoo, or from camp after retreat beating - - -	"	"	61.	
" Selling, losing and wasting ammunition:	"	"		
If an officer, how to be punished.	"	"	62.	
If a soldier - ditto - - -	"	"		

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; all crimes not capital and all disorders or neglects not specified in these Articles shall be cognizable by Courts Martial, and how punishable -	XIX.	II.	63.	
persons amenable to these Articles not attending when summoned, or refusing to be sworn or to answer any lawful question, or inducing others so to offend, how to be punished -	"	"	64	
persons not amenable to these Articles offending as above, or committing perjury, how to be dealt with -	"	"	65.	
persons using menacing or disrespectful words, signs or gestures before a Court Martial, or disturbing their proceedings, how to be punished -	"	"	66.	
officers or soldiers giving false evidence before Courts Martial, how to be punished -	"	"	67.	
offences triable by a general, district or garrison Court Martial may be tried by district, garrison or regimental Courts Martial; mutiny excepted.				
offences designated "disgraceful conduct" when tried by regimental Courts Martial, how to be dealt with and punished -	"	"	68.	
offences committed on the line of march or on board ship, how to be tried and punished -	"	"	69.	
officers or soldiers triable by Courts Martial should be put under arrest or confinement until tried or discharged -	"	III.	70.	
limitation of the periods of trial of offenders -	"	"	71.	
offenders may be tried at any place within the British territories other than where the offence had been committed -	"	"	72.	
Commander-in-chief at any Presidency may appoint Courts Martial and confirm, mitigate or commute sentences -	"	"	73.	
General Courts Martial held within or beyond the Company's territories to consist of how many commissioned officers; sentences not to be executed till confirmed by a competent authority -	"	"	74.	
General Courts Martial may sentence officers or soldiers to death or transportation for crimes expressly made liable to such punishment, and in what manner shall punish commissioned officers convicted of offences of which the punishment is not defined. Powers of a General Court Martial as regards the punishment of non-commissioned officers or soldiers defined -	"	"	75.	
confirmation and commutation of sentence by the Commander-in-chief -	"	"	76.	
District or Garrison Court Martial to consist of how many commissioned officers, and their sentence by whom to be confirmed.				
Commander-in-chief may commute sentences of such Courts Martial, and delegate or withhold from commanding officers the power of convening Courts Martial, and of confirming or commuting sentences -	"	"	77.	
powers of a district or garrison Court Martial defined -	"	"	78.	

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; a Regimental Court Martial, how to be constituted, and its order by whom to be confirmed.				
— commutation of sentence of such Court - - - - -	XIX.	III.	79.	
— powers of a Regimental Court Martial - - - - -	"	"	80.	
— Regimental Detachment Courts Martial, and Detachment or Line Courts Martial, how to be constituted; provisions relating to Regimental Courts Martial shall be applicable to those in detachments. Provision made for the execution of their sentences - - -	"	"	81.	
— officer convening Courts Martial may instruct them to omit solitary confinement and corporal punishment in their sentences, in particular cases - - -	"	"	82.	
— execution of sentence of death by a General Court Martial - - -	"	"	83.	
— sudder courts may give effect to sentence of transportation passed by a General Court Martial, and every judge, magistrate or sheriff in charge of jails, shall give effect to sentences of imprisonment with hard labour or solitary confinement, or both - - -	"	"	84.	
— soldiers sentenced to imprisonment for life may be transported beyond sea. - - -	"	"	85.	
— persons sentenced to imprisonment may be imprisoned in any public prison - - -	"	"	86.	
— soldiers who have undergone the punishment of imprisonment with hard labour, shall not be readmitted in the ranks or entitled to pensions - -	"	"	87.	
— offenders sentenced to corporal punishment or imprisonment with hard labour, shall be dismissed with ignominy - - -	"	"	88.	
— fines or forfeitures of arrears of pay or stoppages, how to be recovered - - -	"	"	89.	
— hours of the day during which Courts Martial shall sit - - -	"	"	90.	
— proceedings of General and Inferior Courts Martial, to be conducted by officers of what standing - -	"	"	91.	
— an interpreter to be appointed to all Courts Martial - - -	"	"	92.	
— the senior officer shall preside, and how the Subadar Major and other native officers shall take rank. In the death or absence of the president who shall preside - - -	"	"	93.	
— sentence not to be revised more than once - - -	"	"	94.	
— rule for voting at Courts Martial - - -	"	"	95.	
— what majority necessary in cases of sentence of death - - -	"	"	96.	
— forms of affirmation to be made by the interpreter, members, and the judge advocate or superintending officer - - -	"	"	97.	
— all witnesses to be examined on oath according to their own religion. Forms of affirmation for Hindoos and Mahomedans - - -	"	"	98.	
— witnesses not amenable to these Articles, how to be summoned - -	"	"	99.	
— powers and duties of provost marshals - - -	"	"	100.	
— trials by European Courts Martial, of persons claiming to be tried by such Courts - - -	"	"	101.	

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War ; effects of deceased officers or soldiers, how to be secured - - -	XIX.	IV.	102.	
in the absence of heir or ex- ecutor, the effects, how to be disposed of	"	"	103.	
effects of deserters, how to be disposed of or appropriated - - -	"	V.	104.	
powers and provisions relating to the Commander-in-Chief and to sol- diers, how to be construed - - -	"	"	105.	
troops of one presidency ser- ving within another, shall be subject to the order of the Commander-in-Chief of the latter Presidency, except when other- wise directed by the Governor-general in Council - - -	"	"	106.	
commanding officers may summon General Courts Martial for trying offenders belonging to the Com- pany's army, serving out of Her Ma- jesty's dominions or the Company's territories, and of the states in alliance with the Company - - -	"	"	107.	
General Courts Martial only to try commissioned officers, or to pass sentence of death or transportation -	"	"	108.	
persons not liable to be tried a second time for the same offence. After a soldier has been found guilty, evidence of his previous conviction may be received, and his general character ascertained - - -	"	"	109.	
non-commissioned officers shall be reduced to the ranks only by the sentence of a Court Martial or by order of the Commander-in-Chief -	"	"	110.	
complaints of officers or sol- diers against their superior or other officers, how to be dealt with - -	"	"	111.	
light offences, how punishable	"	"	112.	
officers or soldiers taken pri- soners by the enemy, how far entitled to arrear of pay and allowance on return. Officers or soldiers in imprisonment, un- der sentence of Courts Martial, to receive subsistence only - - -	"	"	113.	
mode of dealing with offences not military - - -	"	VI.	114.	
crimes triable by Courts Martial where no regular criminal tri- bunals exist - - -	"	"	115.	
General Courts Martial shall have cognizance ordinarily of what offences	"	"	116.	
offences cognizable by District or Garrison Courts Martial - - -	"	"	117.	
Regimental, Detachment or Line Courts Martial shall have cogni- zance of what offences - - -	"	"	118.	
General Courts Martial shall punish murder by death - - -	"	"	119.	
what offences shall be punish- able by transportation for life by the said Court - - -	"	"	120.	
Offences punishable by Imprisonment for 14 years by said Court ; viz.				
Articles of War ; house breaking, robbery and stealing, with wounding - - -	"	"	121.	
wounding or administering poison with intent to murder - -	"	"	122.	
robbery or dacoity - - -	"	"	123.	
housebreaking between sun- set and sunrise - - -	"	"	124.	
house-breaking and stealing property of value exceeding 100 rupees	"	"	125.	
purchasing or receiving stolen property - - -	"	"	126.	

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Offences punishable by Imprisonment not exceeding Seven Years; viz.—				
Articles of War; homicide - - -	XIX.	VL	127.	
— premeditated affray, attended				
— with homicide or severe wounding -	"	"	128.	
— intentionally wounding or				
— maiming - - - - -	"	"	129.	
— accidentally wounding, or				
— otherwise doing corporal injury to one				
— person with the intention of doing in-				
— jury to another - - - - -	"	"	130.	
— house-breaking between sun-				
— rise and sunset - - - - -	"	"	131.	
— stealing property exceeding				
— the value of 300 rupees - - - - -	"	"	132.	
— purchasing stolen property				
— exceeding the above amount - - -	"	"	133.	
— arson - - - - -	"	"	134.	
— unnatural crime - - - - -	"	"	135.	
— rape - - - - -	"	"	136.	
— enticing for unlawful purposes				
— unmarried women under 15 years -	"	"	137.	
— stealing children under 8 years	"	"	138.	
— counterfeiting or altering				
— written or printed papers, or imitating				
— stamp papers, or issuing the same -	"	"	139.	
— counterfeiting coins, or pay-				
— ing counterfeit coins, bank-note, &c.,				
— knowing them as such - - - - -	"	"	140.	
Offences punishable by Imprisonment not exceeding Three Years :				
Articles of War; offenders, not being com-				
— missioned officers, accused of offences				
— not punishable with death, imprisonment				
— or transportation for life, may be tried				
— before a District or Garrison Court Mar-				
— tial, and how to be punished on con-				
— viction - - - - -				
— officers or soldiers guilty of	"	"	141.	
— stealing property of value not exceeding				
— 300 but exceeding 50 rupees - - -	"	"	142.	
— purchasing or receiving stolen				
— property of value not exceeding 300	"	"	143.	
— rupees - - - - -	"	"		
— keeping in possession property	"	"	144.	
— after knowing it to have been stolen -	"	"		
Offences punishable by Imprisonment not exceeding Six Months, before Regi-				
— mental, Detachment or Line Courts				
— Martial :				
Articles of War; offenders, not being com-				
— missioned officers, how to be punished				
— for offences which are not punishable				
— with imprisonment exceeding 3 years -				
— officers or soldiers guilty of	"	"	145.	
— stealing property to the value of 50				
— rupees or less - - - - -	"	"	146.	
— of assault or affray, unat-				
— tended with aggravating circumstances,				
— how punishable - - - - -	"	"	147.	
— resisting process of a magis-				
— trate or police officer - - - - -	"	"	148.	
— offending against person or				
— property for which provision is not				
— made, how punishable - - - - -	"	"	149.	
— aiding and abetting the com-				
— mission of the above offences, how				
— punishable - - - - -	"	"	150.	
— sentence of death not to be				
— carried into execution until confirmed				
— by the proper authority - - - - -	"	"	151.	

	ACT.	SECTION.	ARTICLE.	TERRITORIAL SCOPE OF THE ACTS.
Articles of War; Commander-in-Chief may confirm, remit or commute any sentence of death - - - - -	XIX.	VI.	152.	
----- sentence of transportation not to be carried into execution until confirmed by the Commander-in-Chief who may commute it into imprisonment -	"	"	153.	
----- competent officers may remit or mitigate sentences - - - - -	"	"	154.	
----- offenders tried by a Court Martial shall not be tried for the same offence in any other Court; persons acquitted or convicted by a Civil Court may be cashiered or dismissed - -	"	"	155.	
----- regulations concerning commissariat officers, police officers and superintendents of bazaars, and the constitution of Panchayets or jurisdiction of Courts Martial shall continue in force -	"	"	156.	
----- application of the Articles -	"	VII.	157.	
----- promulgation of the same -	"	"	158.	
Assessments. [See Calcutta.]				
Assistant Magistrates; Governor in Council may appoint a Company's military officer as in any zillah, and to confer on any, the powers of a magistrate. [See Magistrate] - - - - -	IV.	-	-	Madras.
B.				
Bailiffs. [See Distraining.]				
Behar, district of, when last surveyed. [See Lands.] - - - - -	IX.	IV.		
Bhurrum, Pergunnah, in the district of Sylhet, when last surveyed. [See Lands.] -	IX.	IV.		
Bombay Supreme Court; dispatch of criminal business in the [See Supreme Court.]				
Books, copyright in. [See copyright.]				
Boundaries; collectors or authorized revenue officers may fix marks on; of fields or estates - - - - -	I.	I.	-	N. W. Provinces.
----- owners or occupants of fields or estates how to be required to form or repair such marks - - - - -	"	I.		
----- in default of their attending, the marks how to be erected and repaired; and the costs thereof to whom to be charged and how realized - - - - -	"	III.		
----- penalty for erasing, removing or injuring such marks, and the same how to be disposed of; if the offending party be not detected, the marks to be replaced or repaired at whose cost - - - -	"	IV.		
----- shall be fixed under what legal power - - - - -	"	V.		
----- magistrates not to take cognizance under Act IV. of 1840 of boundary disputes; breach of peace arising therefrom, how to be prevented - -	"	VI.		
C.				
Cachar; when last surveyed - - - - -	IX.	IV.		
Calcutta; survey of lands within. [See Survey.]				
----- powers of the Justices of the Peace for the collection and disbursement of assessments when to cease, and afterwards to be exercised by what number of Commissioners, and these how to be appointed - - - - -	XVI.	II.	-	Calcutta.
----- Commissioners how to be remunerated; how many of them shall form a quorum; any one of them may issue warrants for the recovery of arrears of taxes - - - - -	"	III.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Calcutta ; rules for regulating the election of Commissioners annually - - -	XVI.	IV.		
----- Commissioners shall levy taxes upon owners or users of carriages, carts and horses, and may compound with persons keeping carriages, &c. for hire, for an annual rate of tax - - -	..	V.		
----- such taxes to be levied quarterly, and in what case exempted - - -	..	VI.		
----- Commissioners may appropriate to purposes of this Act funds raised by assessments or taxes on carriages, &c. or other funds placed by Government at their disposal ; rates not to exceed five per cent. on the assessed value -	..	VII.		
----- Commissioners may appoint assessors and collectors and unite the offices	..	VIII.		
----- names of owners or occupiers of houses not necessary in warrants of distress ; identification of property sufficient - - -	..	IX.		
----- goods and chattels shall be seizable for arrears of rates due for a year ; tenants may deduct the levy from their rents - - -	..	X.		
----- Commissioners how to act when goods are concealed in the Zenana -	..	XI.		
----- Commissioners may make rules for assessing and levying the taxes ; their powers defined as regards penalties for persons not performing their duties or obstructing persons acting under the Commissioners - - -	..	XII.		
----- what preliminaries necessary before giving such rules the force of law -	..	XIII.		
----- Commissioners may levy arrears of taxes and penalties incurred under such rules - - -	..	XIV.		
----- application of funds to purposes enumerated - - -	..	XV.		
----- schedules of rates on carriages, carts, horses, bullocks, &c.				
----- Commissioners under Act XVI. of 1847, may hold real and personal property for the improvement of, and may sue and be sued as such Commissioners	XXII.	I.		
----- Commissioners may purchase houses, buildings and grounds with the consent of the Governor ; what course to be adopted for obtaining such properties if the owners do not agree to the prices offered - - -	..	II.		
----- Commissioners may agree with owners for the purchase of any real property - - -	..	III.		
----- parties lawfully seised and possessed of lands, &c. may sell and convey to the said Commissioners - - -	..	IV.		
----- amount of compensation to be determined by a jury for lands, &c. belonging to parties under legal disability except under provisions of this Act -	..	V.		
----- Lands, &c., may be sold for annual rent-charge payable by the Commissioners - - -	..	VI.		
----- rents where to be charged, and how recoverable in case of non-payment -	..	VII.		
----- due notice to be given to parties interested in lands, &c., required to be purchased - - -	..	VIII.		
----- notice how to be served - - -	..	IX.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Calcutta; parties may have amount of compensation settled by arbitration, by serving notice upon the Commissioners; in default, the matter how to be settled -	XXII.	X.		
mode of appointing arbitrators for settling questions of disputed compensation -	"	XI.		
in case of death of an arbitrator before determination of the matter in dispute, what course shall be taken -	"	XII.		
arbitrators shall appoint an umpire -	"	XIII.		
an umpire how to be appointed, in case of the arbitrators failing to appoint one within a certain period -	"	XIV.		
matters how to be settled in case of death of a single arbitrator appointed by both parties, before he shall have made his award -	"	XV.		
any one of the arbitrators may act if the other refuses within a certain time -	"	XVI.		
arbitrators failing to give award within a certain time, the umpire may determine the matters referred to them	"	XVII.		
arbitrators or their umpire may require the production of documents and examine parties or their witnesses on oath or affirmation -	"	XVIII.		
form of declaration the arbitrators and the umpire are required to make -	"	XIX.		
costs of arbitration, how to be determined -	"	XX.		
awards to be delivered to the Commissioners, who shall furnish a copy to the other party -	"	XXI.		
submission to arbitration may be made a rule of the Supreme Court, and how enforced -	"	XXII.		
awards not to be set aside for irregularity or error in form -	"	XXIII.		
if owners of property refuse to settle by arbitration, the sheriff to be asked to call a jury; but if the sheriff be interested in the matter, what other course shall be adopted for that purpose	"	XXIV.		
provisions applicable to the sheriff in matters relative to reference to a jury shall also be applicable to any other person to whom the warrant may be issued for summoning a jury, and to such person the sheriff shall deliver the jurors' book on requisition -	"	XXV.		
sheriff to summon a jury of ten persons to meet at a convenient time and place -	"	XXVI.		
five persons to be drawn from the above number, and if a sufficient number do not appear, how the jury to be made up -	"	XXVII.		
sheriff to preside at the inquiry; plaintiffs to have what privileges; sheriff may summon witnesses; jury may be required to view the place of dispute, and in what manner -	"	XXVIII.		
penalties for defaults by sheriff or jurymen, and the same how applicable -	"	XXIX.		
penalties of witnesses failing to appear, or refusing to be examined, or giving false evidence -	"	XXX.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Calcutta; due notice of the time and place of inquiry to be served upon the parties concerned - - - - -	XXII.	XXXI.	.	.
the question of compensation to an absent party may be determined by an authorized surveyor - - -	"	XXXII.		
jury to be qualified by oath or affirmation administered by the sheriff -	"	XXXIII.		
compensation to be declared separately for lands, &c., to be purchased by the Commissioners, and for those held with them, for damage done to the latter by being severed - - -	"	XXXIV.		
judgment for the purchase money assessed by the jury to be given by the sheriff, and preserved among the records of the Supreme Court; what effect it shall have in courts - - -	"	XXXV.		
costs of inquiry to be decided and apportioned - - - - -	"	XXXVI.		
differences in cases of such costs how to be settled - - - - -	"	XXXVII.		
payment of costs how to be enforced by either party - - -	"	XXXVIII.		
special jury for the trial of cases of disputed compensation how to be struck if required - - - - -	"	XXXIX.		
rule for impanelling such special jury - - - - -	"	XL.		
any other case may be tried by such special jury also - - -	"	XLI.		
compensation to absent parties to be fixed by a surveyor appointed by two of the Calcutta magistrates -	"	XLII.		
mode of nominating a surveyor -	"	XLIII.		
form of declaration to be made by the surveyor - - - - -	"	XLIV.		
such nomination and declaration to be annexed to the surveyor's valuation and preserved for the inspection of parties concerned - - - - -	"	XLV.		
regard to be had to injury done to other lands, &c. by severing those purchased - - - - -	"	XLVI.		
parties becoming dissatisfied with the surveyor's valuation may refer the matter to arbitration - - -	"	XLVII.		
decision of such arbitration to be confined to what points of the compensation - - - - -	"	XLVIII.		
any further sum awarded by the arbitrators how to be recovered in case of non-payment within certain time -	"	XLIX.		
costs of such arbitration how to be decided - - - - -	"	L.		
parties how to recover compensation for lands, &c. taken for or injured by the works of the Commissioners, who shall not have paid for the same -	"	LI.		
purchase money how to be invested and deposited in cases where it may not have been paid to owners of lands, &c. for reasons stated, and the same how disposable by order of the Supreme Court - - - - -	"	LII.		
Supreme Court may order accumulation and payment of monies in respect of lease or estate in lands, &c., less than the whole fee-simple thereof or reversions, in such manner as will benefit the parties interested - -	"	LIII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Calcutta; owners shall convey lands, &c., to the Commissioners, and in default or in case of their failing to adduce good titles, what course the Commissioners shall take for obtaining possession of the said lands, &c. - - - - -	XXII.	LIV.		
— In case of owners refusing to accept the purchase-money, to make out a title, or to convey the lands, &c., or if such owners be absent, the purchase-money how to be disposed of, and possession of lands, &c. taken - - - - -	"	LV.		
— Supreme Court may, in a summary way, order investment and payment of purchase-money on application of the interested party - - - - -	"	LVI.		
— Commissioners shall not be parties to such proceedings, but due notice to be served upon other interested parties - - - - -	"	LVII.		
— Commissioners may sell for the purposes of this Act, and Act No. XVI. of 1847, lands, &c., vested in them - - - - -	"	LVIII.		
— Conveyances by Commissioners of such lands, &c., how to be drawn, and to have what effect - - - - -	"	LIX.		
— Commissioners may borrow money for carrying out the provisions of this Act, or Act No. XVI. of 1847, on mortgaging or assigning over rates, taxes, &c., to the party lending - - - - -	"	LX.		
— Means for discharging the loans so raised by the Commissioners - - - - -	"	LXI.		
— Mortgage of assessments, &c., to be made by deed; the same how to be drawn, and by whom executed; what shall be the rights of the mortgagees as to the repayment of the loans - - - - -	"	LXII.		
— Expenses of mortgage, by whom to be defrayed - - - - -	"	LXIII.		
— A register of all mortgages to be kept by the Commissioners' clerk - - - - -	"	LXIV.		
— Right in mortgages may be transferred to other parties - - - - -	"	LXV.		
— Entries to be made in the register of such transfers, <i>toties quoties</i> - - - - -	"	LXVI.		
— Mortgages being satisfied, shall cease to be of any effect without transfer or release - - - - -	"	LXVII.		
— Order of paying off mortgages how to be decided by the Commissioners - - - - -	"	LXVIII.		
— Period for repayment may be fixed in the mortgage deed - - - - -	"	LXIX.		
— If the period for repayment be not stipulated, either party may, after the expiration of 12 months, demand or repay the principal with interest, upon notice thereof - - - - -	"	LXX.		
— All interest upon the mortgage shall cease at the expiration of the prescribed notice by the Commissioners - - - - -	"	LXXI.		
— Mortgagee how to enforce payment - - - - -	"	LXXII.		
— Mortgagee or mortgagees, in conjunction with one another, may require the appointment of a receiver if the debt or debts amount to 10,000 rupees - - - - -	"	LXXIII.		
— Receiver by whom to be appointed, and what shall be his power. - - - - -	"	LXXIV.		
— Schedule (A.) form of mortgage deed.				
— Schedule (B.) form of transfer of mortgage.				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Carriages, wheeled, taxed. [See Calcutta.]				
Carts, taxed. [See Calcutta.]				
Ceylon; emigration of Natives of India to. [See Emigration.]				
Chapghat, Pergunnah, in the district of Sylhet, when last surveyed - - -	IX.	IV.		
Chittagong, district of, when last surveyed. [See Lands]				
Coins [See Copper.]				
Commissioners appointed for the improvement of the town of Calcutta. [See Calcutta.]				
Constables or subordinate peace officers no more to be appointed by Her Majesty's Court at Prince of Wales' Island, Singapore and Malacca - - -	III.	I.	- -	Straits Settlements.
By whom to be appointed hereafter. [See Peace Officers.] - -	"	II.		
Convicts may be received in the Straits Settlements from Hong Kong - - -	XI.	- -	- -	
Copper Coins of certain weight and value may be issued from Government Treasuries within the Straits Settlements -	VI.	II.	- -	
definition of the value of, which shall be legal tender within the said Settlements - - -	"	III.		
shall be legal tender only for fractions of dollars - - -	"	IV.		
no other shall be legal tender	"	V.		
circulation of other, not being of British or Foreign Coinage, prohibited - - -	"	VI.	"	
penalty for circulating other than the authorized legal coinage -	"	VII.		
Governor-General in Council may direct the coining and issuing, and prescribe devices and inscriptions of -	"	VIII.		
Copyright of authors shall continue in force for what period - - -	XX.	I.	- -	General.
provision made against the suppression of a book to the public by the proprietor's refusal to republish after the death of its author - - -	"	II.		
book of registry where to be kept for the entry of the proprietorship in - - -	"	III.		
false entry how punishable -	"	IV.		
in books published since Act 3 & 4 Will. 4, c. 85, may be registered with certain particulars, as also assignment thereof on payment of a fee -	"	V.		
persons aggrieved by any entry shall take what course for having it expunged or altered - - -	"	VI.		
persons unlawfully printing or selling books in which there may be a copyright, shall be liable to actions -	"	VII.		
defendants in such actions in Her Majesty's Courts required to give notice to plaintiffs of certain particulars of the objections they intend to plead - -	"	VIII.		
the same as regards suits instituted in the Company's Courts - -	"	IX.		
provision made for protecting the, in periodical works published in a series of books or parts - - -	"	X.		
proprietors of, in such works shall have all the benefits of registration -	"	XI.		
copies of works unlawfully printed shall be the property of the registered proprietor - - -	"	XII.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Copyright; persons may be sued in Her Majesty's or Company's Court for the recovery of such copies, or the damages for the detention or conversion thereof -	XX.	XIII.		
— actions shall not be maintained without a previous entry in the book of registry -	"	XIV.		
— persons sued in Her Majesty's Courts for doing things in pursuance of this Act, shall take what course in defending -	"	XV.		
— limitation of period for legal proceedings for offences against the Act in civil and criminal actions -	"	XVI.		
— Act not to affect obligations previously made -	"	XVII.		
— Schedules of entries of Proprietorship and of assignment of.				
Courts of the Justices of the Peace, not coming within the scope of the meaning of "Her Majesty's Courts of Justice," in section 4 of Act V. of 1840, as regards declaration or affirmation. [See Acts.]	II.	-	-	- - Justices of the Peace.
Courts established by the Governor-general in Council in Territories not subject to the Government of India; sentences of, on prisoners may be given effect to by officers in charge of the provincial jails. [See Jails.]				
Court of Commissioners. [See Distraining Bailiffs.]				
Courts Martial. [See Articles of War.]				
Cuttack; Northern, Central and Southern Divisions of, when last surveyed. [See Lands.]	IX.	IV.		
D.				
Declaration. [See Courts of the Justices of the Peace.]				
Deeds; registration of, by persons not appointed as Registrar, or made on days other than the Court days. [See Registration.]				
Defaults discovered in the prosecution of suits and appeals now pending or hereafter to be brought in Company's Courts not to affect judgments -	XVII.	-	-	General.
Demarcation of Fields or Estates. [See Boundaries.]				
Deputy Superintendent of Police in the Straits Settlements by whom to be appointed -	III.	II.		
Distraining Bailiffs and Appraisers may be appointed by the Court of Commissioners for the recovery of rents -	VII.	I.	-	Calcutta.
Distraining Bailiffs; any Commissioner may issue a warrant for the recovery of arrears of rent of premises in Calcutta not exceeding 100 rupees, upon the affidavit of persons applying for such warrant -	"	II.		
— may seize goods upon such premises sufficient to cover rent and costs. Commissioners may discharge or suspend the warrant on application from the party owing the rent, and give reasonable time to such party to pay the rent -	"	III.		
— in default of application what course to be taken for the sale of the goods seized, and the proceeds how to be disposed of -	"	IV.		

	ACTS.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Distraining Bailiffs; costs levied how to be disposed of, and entered in a book kept for that purpose - - - -	VII.	V.		
-----distress for rents amounting to 100 rupees or less, to be levied hereafter under this Act; penalty of persons, except the authorized officers, levying such distress - - - -	"	VI.		
-----exemptions from the provisions of this Act - - - -	"	VII.		
-----forms of Schedules marked (A.) to (E.)				
E.				
Echamuttee, Pergunnah, in the district of Sylhet, when last surveyed. [See Lands.]	IX.	IV.		
Emigration to Mauritius from Madras, allowed under Act XV. of 1842 - -	VIII.	I.	- -	Madras.
-----Governor in Council may appoint a Protector of Emigrants; and emigrants shall embark with certificates from the agent appointed by the Mauritius Government, countersigned by the Protector - - - - -	"	II.		
-----of natives of India to the Island of Ceylon; provisions of Act XIV. of 1839 prohibiting the, repealed - -	XIII.	I.	- -	General.
-----Act not to come into operation until sufficient laws shall have been made by the Ceylon Government against such natives of India emigrating to any other colony. [See Acts.] - - -	"	II.		
Estates, demarcation of. [See Boundaries.]				
F.				
Fields, demarcation of. [See Boundaries.]				
Fines, moonsiffs and sudder ameens exempted from - - - - -	XII.	- -	- -	- - Bengal and N. W. Provs.
Furkyah. [See Pergunnah.]				
G.				
Gwalparah, district of, when last surveyed. [See Lands.] - - - - -	IX.	IV.		
H.				
Hidgellee, in the district of Midnapore, when last surveyed. [See Lands.] - -	"	"		
Hong-Kong, convicts from, may be received in the Straits Settlements. [See Convicts.] - - - - -	XI.			
Horses taxed. [See Calcutta.]				
I.				
Imprisonment for life, offenders sentenced to, also made subject to transportation beyond sea - - - - -	X.	- -	- -	General.
Improvement of Calcutta. [See Calcutta.]				
Ittisamnuggur, Pergunnah, in the district of Sylhet, when last surveyed. [See Lands.] - - - - -	IX.	IV.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
J.				
Jails; officers in charge of provincial, may give effect to sentences passed by criminal courts established by the Governor-general in Council in states or territories not subject to the Presidencies or within the non-Regulation Provinces -	V.	I.	- -	General.
— warrant from competent officers within such states or provinces shall be authority for holding prisoners in confinement, or for transportation or punishment -	"	II.		
— officers in charge of, how to act if they doubt the legality of the warrants -	"	III.		
— provisions of existing law to apply to prisoners confined under this Act -	"	IV.		
Jynteeah, in the district of Sylhet, when last surveyed -	IX.	IV.		
Justices of the Peace. [See Courts of.]				
L.				
Lands gained from the sea or rivers by alluvion or dereliction, operation of Regulations of the Bengal Code relating to the assessment of; suspended within the Provinces of Bengal, Behar and Orissa: investigations pending before collectors and deputy collectors to be discontinued; and measures relating to the above to be hereafter taken under this Act -	"	I.	- -	Bengal, Behar and Orissa.
— definition of the expression "Province of Orissa," as used in this Act -	"	II.		
— new maps to be made according to surveys to be held every 10 years of such -	"	III.		
— dates of the last Revenue Surveys of certain districts and pergunnahs enumerated. Surveys hereafter made when to be considered completed -	"	IV.		
— deduction from the Sudder Jumma for, washed away from or lost to an estate, how to be made, and in what proportion -	"	V.		
— added to any estate, how to be assessed -	"	VI.		
— islands thrown up in rivers, how to be assessed and settled. Parties aggrieved where to sue -	"	VII.		
— this Act not to affect suits now pending for the assessment of, or for establishing the right of Government to alluvial lands or suits open to appeal -	"	VIII.		
— suits against Government relating to matters concerning this Act inadmissible, except as regards the proprietary right to islands -	"	IX.		
Luckimpore, district of, when last surveyed. [See Lands.] -	"	IV.		
M.				
Magistrate; Governor in Council may appoint a Company's military officer as, in any zillah. [See Assistant Magistrate.] -	IV.		- -	Madras.
Malacca. [See Convicts.]				
Mauritius, emigration to, from Madras. [See Emigration.]				
Midnapore, district of, except Hidgellee and Tumlook, when last surveyed. [See Lands.]	IX.	IV.		
Military Law [See Articles of War.]				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Military Officers in the Company's Service may be appointed magistrates and assistant magistrates in any zillah within the Madras Presidency - - - -	IV.			
Moonsiffs exempted from fines - - -	XII.	-	-	- - Bengal and North-western provinces.
Municipal Laws. [See Calcutta.]				
N.				
Native Officers and Soldiers. [See Articles of War.]				
Non-Regulation Provinces; provision made for the confinement within the provincial gaols of prisoners on whom sentence may have been passed by Courts in the. [See Jails.]				
O.				
Offenders when sentenced by Courts to imprisonment for life, shall be at the same time sentenced to transportation beyond sea - - - -	X.	-	-	General.
P.				
Patna, district of, when last surveyed. [See Lands.] - - - -	IX.	IV.		
Peace Officers in the Straits Settlements. [See Constables.]				
Pergunnah Furkyah, in the district of Monghyr, when last surveyed. [See Lands.]	IX.	IV.		
Plaints, Transcripts of, repealing parts of section 3, Regulation IV. 1793, and section 3, Regulation III. of 1803, relating to. [See Regulations.] - - - -	XIV.	-	-	Bengal.
Prince of Wales' Island. [See Convicts.]				
Prisoners sentenced to imprisonment for life made also subject to transportation beyond sea - - - -	X.	-	-	General.
— sentenced by Courts established by the Governor-general in Council, in territories not subject to the Presidencies, or within non-regulation provinces, may be confined in the Company's Jails, within the Company's Territories. [See Jails.]				
Printed Works. [See Copyright.]				
R.				
Registration of Deeds by persons not duly appointed as register, legalized - -	XVIII.	I.	-	General.
Registration made on other than the Court days, legalized - - - -	"	II.		
Regulations of the Bengal Code, as relate to assessment of lands gained from sea or rivers, shall cease to have effect hereafter. [See Alluvial Lands, Survey, and Lands] - - - -	IX.	-	-	Bengal.
Regulation XXIII. of 1814, Clause 3, section 9, and part of section 67 of, repealed - - - -	XII.	-	-	- - Bengal and North-western provinces.
— IV. of 1793, part of section 3 of, repealed - - - -	XIV.	-	-	"
— III. of 1803, parts of section 3 of, repealed - - - -	"	-	-	"
Rents; arrears of small; of premises in Calcutta, how to be recovered by distress. [See Distraining Bailiffs.]				
Revenue Surveys of districts. [See Lands.]				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
S.				
Sarun, district of, when last surveyed. [See Lands.]	IX.	IV.		
Seebpore, district of, when last surveyed. [See Lands.]	"	"		
Shahabad, district of, when last surveyed. [See Lands.]	"	"		
Singapore. [See Convicts.]				
Soldiers, Native. [See Articles of War.]				
Stealing; period of transportation for, as provided in Act XXXI. of 1838, section 17, modified. [See Transportation.]				
Straits Settlements; appointment of constables and peace officers at the. [See Constables.]				
Convicts may be received in the, from Hong Kong. [See Convicts.]	XI.			
Subordinate Peace Officers in the Straits Settlements. [See Constables.]				
Sudder Ameens exempted from fines	XII.	-	-	- - Bengal and North-western provinces
Suits; defaults in the prosecution of. [See Defaults.]				
Supreme Court at Bombay; any one of the judges of the, may sit apart from the other judge or judges for the dispatch of criminal business	XXI.	I.	-	Bombay.
may transact business out of term	"	II.		
Surveys of districts hereafter made, when to be deemed as completed	IX.	IV.		
Survey of lands within Calcutta, by an officer who may invite owners and occupiers of lands to appear before him	XV.	I.	-	Calcutta.
Survey of Lands; power and duty of such officer or his subordinates, in making the survey	"	II.		
Penalty for persons obstructing or molesting such officers	,	III.		
Owners or occupiers of lands may be summoned by the surveying officer, by a special notice to each; persons objecting to produce any title deeds, shall not be required to do so	"	IV.		
Persons may be summoned to appear before the surveying officer as witnesses; in default of attendance or refusing to give evidence, such witnesses how to be dealt with	"	V.		
Surveying officer may swear the witnesses by oath or affirmation or solemn declaration	"	VI.		
Persons giving false evidence, shall be guilty of perjury	"	VII.		
T.				
Taxes. [See Calcutta.]				
Transcription of Plaints; regulations relating to. [See Plaints.]				
Transportation beyond Sea; offenders sentenced by Courts, not included in Act XIV. of 1844, to imprisonment for life, also made subject to	X.	-	-	General.
Act XXXI. of 1838, section 17, as provides for the minimum period of, for offences therein mentioned, repealed	XXIII.	-	-	- - Her Majesty's Courts.
Tumlook, in the district of Midnapore, when last surveyed. [See Lands.]	IX.	IV.		

INDEX to the ACTS for 1848.

(Nos. I. to XXVII.)

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
A.				
Abkaree; Persons guilty of the offence punishable under section 7, Act XXV. of 1840, shall, on conviction, be punished by magistrates - - - -	XXIII.	I.	- -	- - Bengal Presidency.
Act VI. of 1848; section 3 of, amended in respect of free ports - - - -	VII.	I.		
— XII. of 1839, and				
— XII. of 1840; repealed - - - -	IX.	I.		
— VII. of 1843; section 35, repealed -	XIX.	I.		
— XXV. of 1840; a clerical error in, amended - - - -	XXIII.	I.		
— IV. of 1848; extended to the Straits Settlement - - - -	XXVI.	I.		
— XII. of 1844; amended - - - -	XXVII.			
Arracan Province, Ports in, exempted from the operation of section 3, Act VI. of 1848. [See Duties.]				
Assessments in the Straits Settlement. [See Straits Settlement.]				
B.				
Bunganapilly, the Jagheer of, restored to the Jagheerdar. Authority of the Agent under Act X. of 1843, to cease from 1st January 1849, as to the district of -	XXV.	I.	- -	- - Madras Presidency.
— proceedings of the Agent and his assistants before the above date shall stand good - - - -	"	II.		
— the Foujdaree Adawlut shall continue to exercise their appellate jurisdiction, both as to criminal and civil proceedings, held by the Agent before the above date - - - -	"	III.		
— agent and assistants, how to be absolved from all responsibility for the administration of - - - -	"	IV.		
— control of the British Government to continue unabated over - -	"	V.		
C.				
Calcutta, Improvement of. [See Improvement.]				
Collectors in the Lower Provinces of the Bengal Presidency may impose daily fines on proprietors or farmers of lands for better enforcing their attendance. [See Fines.]				
Commissions to be issued by the Supreme Court at Calcutta for taking affidavits. [See Supreme Court.]				
Commissioners. [See Court of.]				
Coroner's Juries. [See Juries.]				
Coroners Jury; Act IV. 1848, extended to the Straits Settlement - - - -	XXVI.			
Court of Commissioners; proceedings of the, held under certain proclamations, declared valid - - - -	XII.	I.	- -	Calcutta.
— powers given to the Commissioners by the 1st proclamation shall extend and be deemed to have extended to matters determined under the several proclamations - -	"	II.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Court of Commissioners; proceedings held by Commissioners singly declared valid -	XII.	III.		
rules, orders, forms of procedure and tables of fees declared valid -	"	IV.		
process of the Court, on whatever day made returnable, declared valid -	"	V.		
Courts under the Royal Charter, and Insolvent Courts; officers in, prohibited from accepting rewards from persons holding any office in any bank or public company, and carrying on dealings -	XV.	I.	- -	General.
Courts under the Royal Charter; the above provision shall not affect certain class of officers -	"	II.		
officers may hold unpaid offices in societies for charitable or scientific purposes -	"	III.		
penalty for offending against this Act -	"	IV.		
Courts of District Moonsiffs in the Madras Presidency; stamp duties substituted for institution fees in. [See District Moonsiffs.]				
Courts (Civil) in the Madras Presidency; refund of stamp duties in certain cases. [See Stamp Duties.]				
Criminal Courts; subordinate. [See Nizamut Adawlut and Foujdaree Adawlut.]				
D.				
District Moonsiffs; Stamp duties to be levied instead of institution fees in civil actions in the Courts of. [See Regulations.] -	XVII.	II.	- -	- - Madras Presidency.
Duties on goods imported by sea on foreign bottoms equalized with those charged on goods imported on British bottoms -	VI.	I.	- -	General.
Duties; the same as regards goods exported on foreign bottoms -	"	II.		
on goods carried from port to port within the Company's territories abolished -	"	III.		
salt and opium excepted -	"	IV.		
on goods imported from and exported to ports in the Straits of Malacca, Tenasserim Provinces and Province of Arracan, to remain unaffected by Act VI. 1848 -	VII.	I.		
drawback not allowable upon re-export of goods from port to port within the Company's territories to which section 3, Act VI. of 1848 may extend	"	II.		
E.				
Estate of the late Nuwab of Surat; administration of the. [See Nuwab.]				
Export Duties. [See Duties.]				
F.				
Fines may be imposed by Collectors daily on proprietors or farmers of lands for non-attendance when summoned -	XX.	I.	- -	Bengal Division.
Fines; Collector shall report the imposition and levy of, to the Commissioner of Revenue -	"	II.		
Collector's orders shall be appealable to the superior authorities -	"	III.		
maximum amount of, leviable by the Collector -	"	IV.		
power of imposing, under certain regulations, to remain unaffected -	"	V.		
meaning of the term Collector defined -	"	VI.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Fines; Act not to extend to the North-Western Provinces - - - -	XX.	VII.		
Foreign Bottoms; duties on goods imported on. [See Duties.]				
Forgery; charges of, in respect to papers put in evidence in civil or criminal cases, inadmissible before Mofussil magistrates -	I.	I.	- -	-- Bengal Presidency.
— Civil or Criminal Court may commit the accused party to the magistrate. Powers vested in Sessions Judges in cases of, by section 6, Regulation II. of 1807, to remain unaffected - - -	"	II.		
— form of indictment for, triable in Courts established by Royal Charter, to be observed in future - - -	XXII.	I.	- -	-- Her Majesty's Courts.
Foujdaree Adawlut in the Madras Presidency; power of, to review sentences passed by subordinate Courts. [See Nizamut Adawlut.]				
G.				
Gaming. [See Wagers.]				
Gangs of Thieves and Robbers; persons belonging to. [See Robbers.]				
Governor-general may exercise powers of the Governor-general in Council during his absence from Calcutta, except such as may be exercised by the President in Council, and the power of making laws	XXIV.	I.		
— Act when to take effect - - -	"	II.		
I.				
Import Duties. [See Duties.]				
Improvement of Calcutta; Commissioners may appoint surveyor, clerk and other officers - - -	II.	I.	- -	Calcutta.
— powers to be exercised by Commissioners, surveyor and clerk for constructing aqueducts, for bringing water into the town from places without the local limits of the Supreme Court, and the duty of district magistrates in such cases - - -	"	II.		
— Commissioners may execute works by contracts with individuals, and the powers vested in such contracting parties - - -	"	III.		
— compensation to be made by Commissioners for damage done to houses, buildings, &c.; and in case of disagreement as to the amount of such compensation, the same how to be adjusted - - -	"	IV.		
— penalty for persons obstructing Commissioners, &c., in the execution of their duty - - -	"	V.		
— Commissioners, &c., may enter into buildings without being liable to an action - - -	"	VI.		
— the management and control over streets and public thoroughfares, and the buildings, materials, implements, &c., shall be the property of and vested in the Commissioners as Trustees - - -	"	VII.		
— Commissioners may pave and water the streets and thoroughfares - - -	"	VIII.		
— Commissioners shall keep in repair streets and thoroughfares, and shall be liable to be indicted for not sufficiently repairing the same - - -	"	IX.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Improvement of Calcutta; penalty for displacing or making any alteration in the pavements, flags or other materials in any street without the Commissioners' consent, or causing obstructions thereto	II.	X.		
Commissioners shall open streets and thoroughfares according to plans and estimates approved by the Governor of Bengal	"	XI.		
Commissioners in conformity with Act XXII. of 1847, shall purchase houses, buildings and grounds for the execution of such plans, and proceed with the works without further reference to the said Governor	"	XII.		
sewerage and drainage of the town, how to be made	"	XIII.		
provision made for the supply of water for domestic and other purposes of the town	"	XIV.		
sewers, drains, buildings, canals, aqueducts, tanks, wells, &c., applied to public use, shall be the property of, and vested in the Commissioners	"	XV.		
provision made for effectual draining and cleansing of the whole town	"	XVI.		
sewers, how to be improved, and stagnant pools, &c., drained off	"	XVII.		
notice to be given to the Commissioners before laying the foundation of any new house or making any drain. In default of such notice what shall be the penalty	"	XVIII.		
persons may at their expense make or branch drains into any public sewer	"	XIX.		
Commissioners may contract with owners of houses for such works to be executed by the surveyor	"	XX.		
effluvia arising from private sewers and drains how to be prevented	"	XXI.		
what precautionary measures to be taken against danger when public thoroughfares, or sewers, or drains are making or are under repair	"	XXII.		
provision made for cleaning the streets, ways and thoroughfares, and for the removal of dust, dirt, filth, &c.	"	XXIII.		
Commissioners may sell the dust, filth, &c. so collected, and apply the money for the purposes of this Act	"	XXIV.		
Commissioners may sink wells and place pipes, &c. for watering the streets, and excavate tanks for public convenience	"	XXV.		
Commissioners may make bye-laws for the purposes of health and cleanliness on certain points mentioned	"	XXVI.		
such bye-laws how to be of force	"	XXVII.		
bye-laws how to be given publicity to	"	XXVIII.		
provisions relative to offences against this Act shall apply to offences against the bye-laws	"	XXIX.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Improvement of Calcutta; Commissioners may direct prosecutions for public nuisances, order proceedings for the recovery of penalties and for the punishment of persons offending, and direct the expenses to be paid from the funds at their disposal - - - - -	II.	XXX.		
Commissioners may sue and be sued - - - - -	"	XXXI.		
Commissioners may continue liable to be adjudged at common law, and persons guilty of nuisance at common law not to be exempted from prosecution or action in respect thereof - - - - -	"	XXXII.		
Commissioners may contract for the supply of water, and purchase water-works, streams of water, &c., or take or grant leases thereof - - - - -	"	XXXIII.		
Commissioners may enter upon lands without consent of owners for constructing water-works and prepare plans with books of reference; the same where to be deposited, and notice of such intended works how to be given - - - - -	"	XXXIV.		
parties concerned how to be notified, and objections of persons aggrieved by such intended works how to be attended to and disposed of - - - - -	"	XXXV.		
Commissioners may make, alter or discontinue the water-works - - - - -	"	XXXVI.		
in making the works the Commissioners shall keep within the limits of the deviation as marked in the plan, nor deviate into lands not mentioned - - - - -	"	XXXVII.		
Commissioners shall have the right of only laying pipes, culverts, aqueducts, &c., in lands taken by virtue of compulsory powers of purchase - - - - -	"	XXXVIII.		
Commissioners may deposit on lands within a certain distance from the works, building materials, and compensate the owners for such temporary occupation or any injury done thereto - - - - -	"	XXXIX.		
previous notice to be given to owners of the intended occupation of lands, and the same how to be set apart - - - - -	"	XL.		
Commissioners may settle the rent with the owners of the lands - - - - -	"	XLI.		
reservoirs to be made for the irrigation of adjoining lands and for irrigating the same in those parts where the roads, &c. may be injured from the making of the reservoirs - - - - -	"	XLII.		
provision made for repairing streets, drains, &c. which may receive any damage on account of the construction of any work - - - - -	"	XLIII.		
water-works, tanks, &c. shall be maintained by and continue under the control of the Commissioners, and they may erect new ones for gratuitous supply of water - - - - -	"	XLIV.		
owners and occupiers of houses may deduct one-eighth from the rates payable by them for insufficient supply of water - - - - -	"	XLV.		

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Improvement of Calcutta; penalty for offences causing the water to be fouled or corrupted - - -	II.	XLVI.		
lamps for lighting the town to be provided - - -	"	XLVII.		
injury to, or abstracting anything from the lamps, how punishable - - -	"	XLVIII.		
rule for regulating amends tendered for damages done by persons in the execution of this Act, before and after actions brought by the injured party - - -	"	XLIX.		
disputes concerning damages, costs or expenses, the method of ascertaining the amount of which is not provided for, how to be determined, and the damages how to be recovered - - -	"	L.		
modes prescribed for publishing particulars of offences for which penalty is imposed by this Act or by bye laws - - -	"	LI.		
penalty for pulling down or injuring boards required by this Act to be put up - - -	"	LII.		
penalties or forfeitures imposed by this Act recoverable by what legal proceeding - - -	"	LIII.		
recovery of penalties directed in this or Act XVI. of 1847 to be levied by distress - - -	"	LIV.		
no distress to be deemed unlawful for any defect or irregularity: persons aggrieved by such defect may have redress by action in the Supreme Court - - -	"	LV.		
Penalties by magistrates how to be disposed of - - -	"	LVI.		
limitation of the period for preferring complaints before magistrates for offences committed against this Act - - -	"	LVII.		
persons doing damage to the property of the Commissioners shall be liable to make good such damage as well as to pay the prescribed penalty - - -	"	LVIII.		
penalty for persons refusing to appear before magistrates when summoned as witnesses, or to give evidence on oath - - -	"	LIX.		
construction of certain words used in Acts XVI. and XXII. of 1847 and this Act - - -	"	LX.		
Indian Navy; Articles and orders enacted in addition to those contained in Act XII. of 1844 - - -	XXVII.	I.	ARTICLES.	General.
persons belonging to, how to be punished for manslaughter or any other offence against person or property - - -	"	"	36.	
penalty for insubordination, disorders, irregularities, neglects and all disgraceful conduct of persons belonging to - - -	"	"	37.	
offences triable other than by court martial, by whom to be investigated, and how to be punished - - -	"	"	38.	
commutation of the sentence of death to transportation for life, or for a time in certain cases referred to in Articles 8th, 24th, 20th and 21st - - -	"	II.		
Governor-general in Council may commute the sentence of death to transportation - - -	"	III.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
India Navy; Offenders under sentence of transportation how to be dealt with previous to carrying their sentences into execution - - - - -	XXVII.	IV.		
----- Governor-general in Council and Governors in Council may direct any officer to hold courts martial - -	"	V.		
----- any officer of the, shall be eligible to act on any court martial although not commissioned to any ship or vessel - - - - -	"	VI.		
----- in the absence of a sufficient number of officers of the, courts martial how to be constituted - - - - -	"	VII.		
----- Provisions of this and Act XII. of 1844 shall be considered as of one Act - - - - -	"	VIII.		
Indictment for forgery. [See Forgery.]				
Institution Fees in the District Moonsiff's Court in the Madras Presidency. [See District Moonsiffs.]				
J.				
Juries on Coroners' Inquests limited to five jurors - - - - -	IV.	I.	- -	General.
----- penalty for non-attendance of jurors when summoned, and the mode of recovering such penalty - - - - -	"	II.		
----- provision made for preventing coroner's inquisitions from being quashed on account of technical defects - - - - -	"	III.		
----- Coroner may appoint a deputy to act for him during his absence, subject to the Governor's approval - - - - -	"	IV.		
Jury; The above extended to Prince of Wales' Island, Singapore and Malacca - - -	XXVI.			
L.				
Lands; Ryots or tenants of, how to be served with notices prescribed by sections 9, 10, 11 and 13 of Regulation V. of 1812, in cases where the residence of the ryots is not in the zillah in which the land to which the notices refer, is situated - -	VIII.	- -	- -	Bengal Presidency.
----- limitation of the period for filing suits to contest the awards of revenue authorities under Regulations VII. of 1822, IX. of 1825 and IX. of 1833 [See Suits] - - - - -	XIII.			
M.				
Magistrates may take recognizances from persons required to keep the peace, though such persons have not been convicted of any specific offence. [See Penal Recognizances.]				
Malacca; Assessments in. [See Straits Settlement.]				
----- [See Coroner's Jury.]				
Mandvee; The lapsed state of, annexed to the Bombay Presidency, and shall be subject to the Regulations and Acts -	X.	I.	- -	- - Bombay Presidency.
----- suits on certain subjects mentioned, not cognizable by the Civil Courts -	"	II.		
----- Governor in Council may exempt the widows and relatives of the late Rajah of Mandvee from the jurisdiction of Courts - - - - -	"	III.		
----- Schedule containing the territorial description of the Pergunnah of Soowangiah, constituting the lapsed state of	"			

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Mochulkas to be taken by magistrates from persons for keeping the peace. [See Penal Recognizances.]				
Moonsiffs; Stamp duties substituted for institution fees in the courts of district. [See District Moonsiffs.]				
Municipal Fund. [See Straits Settlement.]				
Municipal Law. [See Improvement.]				
Murder by Thuggee; Definition of the expression of [See Thugs.] - - -	III.			
N.				
Navy. [See Indian Navy.]				
Nizamut Adawlut in the Bengal Presidency and Foujdaree Adawlut in the Madras Presidency may order the subordinate Courts to revise unlawful sentences passed on prisoners punished without reference - - - - -	XI	II.	- -	- Bengal and Madras Presidencies.
----- may revise sentences not warranted by evidence, or when too severe - - - - -	"	III.		
----- may call for proceedings of subordinate courts in any criminal trial and pass proper orders, but shall not enhance the punishment or punish persons acquitted - - - - -	XIX.	IV.		
Notices prescribed to be served on ryots by sections 9, 10, 11 and 13, how to be served. [See Ryots.]				
Nuwab of Surat; Persons and properties of the widows and family of the late, named in the Schedule annexed, exempted from being seized by writ or process - - - - -	XVIII.	I.	- -	Bombay.
----- property of the late, how to be administered and disposed of - -	"	II.		
----- Limitation of suits instituted in Civil Courts in respect of persons within the provisions of clause 2, section 21, Regulation II. of 1827, Bombay Code - - - - -	"	III.		
----- priority of registration of deeds shall not invalidate such as may be registered by persons mentioned in clause 2, section 21, Regulation II. of 1827, within six months after the passing of this Act - - - - -	"	IV.		
----- Schedule.				
O.				
Officers of the Supreme Courts prohibited from trading. [See Courts.]				
P.				
Peace; what measures to be taken by Magistrates for the maintenance of the, in their respective jurisdictions. [See Penal Recognizances.]				
Penal Recognizances; Magistrates may take, from persons for the maintenance of the peace in their respective jurisdictions, though not convicted of any offence -	V.	II.	- -	Bengal Presidency.

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Penal Recognizances; Magistrates may also take securities, if necessary - - -	V.	III.		
- - - magistrates may order recognizances to be taken if for one year; what shall be the penalty in case of default - - -	"	IV.		
- - - what course to be taken when the parties are to be bound for more than one year - - -	"	V.		
- - - persons not to be kept in prison for default, longer than the period for which the recognizances have been required - - -	"	VI.		
- - - Sections 5, 6 and 7, of Regulation VIII. of 1818, Bengal Code, made applicable to persons confined, and to sureties who have given securities under this Act - - -	"	VII.		
- - - penalty of recognizances when forfeited, how to be enforced - - -	"	VIII.		
- - - penalty of security bonds, how recoverable on recognizances being forfeited - - -	"	IX.		
- - - sentences and orders passed under this Act shall be appealable - - -	"	X.		
- - - mochulkas and security bonds taken under general regulations by Criminal Courts, may be enforced in manner prescribed by sections 8 and 9 of this Act - - -	"	XI.		
- - - forms of mochulkas and security bonds.				
Perjury; Principal Sudder Ameens in civil cases pending before them, vested with the powers of Judges under clause 2, section 14, Regulation XVII. of 1817, to commit persons charged with, or subornation of - - -	I.	III.	- - -	Bengal Presidency.
- - - Sessions Judges may try persons committed by themselves as Civil Judges under the above clause - - -	"	IV.		
- - - revenue officers acting judicially, included in the expression Civil Courts, for the purposes of this Act - - -	"	V.		
Port to Port; Duties on goods carried from, within the Company's territories, abolished. [See Duties.]				
Ports in the Straits' Settlement, Tenasserim and Arracan Provinces exempted from the operation of section 3, Act VI. of 1848 - - -	VII.	I.		
Prince of Wales' Island, assessments in. [See Straits' Settlement.]				
- - - [See Coroner's Jury.]				
Principal Sudder Ameens vested with the powers of Judges, under Clause 2, section 14, Regulation XVII. of 1817, to commit persons chargeable with Perjury. [See Perjury.] - - -	I.	III.		
Prisoners; punishment of, by subordinate courts. [See Nizamut Adawlut.]				
R.				
Recognizances from parties for keeping the peace. [See Penal Recognizances.]				
Regulation IV., 1825, section 4 of, Bengal Code, repealed - - -	V.	I.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Regulation XVII. of 1817, clause 2, section 14, of, Bengal Code, extended to Principal Sudder Ameens - - -	I.	III.		
Regulation V., 1812, sections 9, 10, 11 and 13 of, Bengal Code, modified - - -	VIII.			
Regulations of the Bombay Code, modified; viz., section 21, Regulation II. of 1827; section 6, Regulation XVI. of 1827; sections 9, 16, 36 and 49 of Regulation XVII. of 1827. [See Mandvee] -	X.	II.		
Regulation X. of 1819, sections 49, 50, 85 and 93 of, Bengal Code, repealed -	XVI.	I.		
ditto ditto, part of section 48, ditto - - -	"	I.		
Regulation X. of 1826, section 2 of, Bengal Code, repealed. [See Salt] - - -	"	I.		
Regulation VI. of 1816, section 16, and clause 2, section 57, of Madras Code, repealed - - -	XVII.	I.		
Regulation II. of 1834, sections 4 and 5 of, Madras Code, repealed - - -	"	I.		
Regulation XIII. of 1816, parts of, and section 7, Regulation VII., 1818, Madras Code, as relate to Stamp Duties instead of Institution Fees, extended to the District Moonsiffs' Courts. [See District Moonsiffs] - - -	"	II.		
Regulation IX., 1831, section 5 of, Bengal Code, repealed - - -	XIX.	I.		
Regulation VIII. of 1818, sections 5, 6 and 7 of Bengal Code, shall be applicable to persons confined under Act V. of 1848, and to sureties giving security under that Act - - -	V.	VII.		
Revenue Authorities, Limitation of the period of filing suits against awards of, under Regulations VII. of 1822, IX. of 1825, and IX. of 1833. [See Suits] - - -	XIII.			
Robbers, Persons belonging to gangs of, how punishable - - -	XI.	I.	- -	General.
persons guilty of the offence of belonging to such gangs, or of receiving property stolen by them, may be committed by any magistrate and tried by any court - - -	"	II.		
but was not necessary for trial of offences under this Act - - -	"	III.		
Ryots, Notices or demands prescribed to be served on, by sections 9, 10, 11 and 13 of Regulation V., 1812, how to be served, if their usual places of residence are not in the zillah where their lands to which the notices refer are situated - - -	VIII.			
S.				
Salt, Customs duty no more leviable upon, imported into the North-Western Provinces from the other Provinces of the Bengal Presidency - - -	XVI.	II.	- -	- - Bengal Presidency.
Securities for persons bound to keep the peace. [See Penal Recognizances.]				
Sentences passed by Subordinate Criminal Courts in the Bengal and Madras Presidencies, how to be dealt with by the Superior Courts when they appear unlawful. [See Nizamut Adawlut.]				
Sessions Judges may try persons committed by themselves as Civil Judge, under clause 2, section 14, Regulation XVII. of 1817, for perjury or subornation of perjury. [See Perjury] - - -	I.	IV.	- -	- - Bengal Presidency.

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Singapore, Assessments in. [See Straits Settlement.] [See Coroner's Jury.]				
Stamp Duties substituted for Institution Fees in the District Moonsiffs' Courts in the Madras Presidency. [See District Moonsiffs.]				
certificate to be granted for refund of, on dismissal of suits in Civil Courts on application from parties -	XVII.	III.	- -	-- Madras Presidency.
refund of such duties how to be regulated - - - -	"	IV.		
Straits Settlement; Ports exempted from the operation of section 3, Act VI. of 1848. [See Duties.]				
houses, shops and other buildings in the, how to be assessed -	IX.	II.		
produce of lands in, to be assessed in what manner -	"	III.		
value of net produce of lands how to be ascertained -	"	IV.		
to facilitate the collection of assessment, owners and occupiers of lands to be required to furnish to the Collector certain particulars concerning the produce of the lands; penalty for persons refusing to furnish such particulars - - - -	"	V.		
wheeled carriages, horses, &c. &c., how to be taxed; payment how to be enforced in case of default - - - -	"	VI.		
collectors of assessment and taxes by whom to be appointed -	"	VII.		
payment of assessment how to be enforced in case of default -	"	VIII.		
collectors may sue for the recovery of arrears through Courts of Justice, in lieu of proceeding by warrant of distress - - - -	"	IX.		
parties aggrieved may appeal to the Court of Quarter Sessions	"	X.		
limitation of time for preferring the appeal - - - -	"	XI.		
moneys collected from assessment and taxes to be called "Municipal Fund," and the same how to be appropriated - - - -	"	XII.		
the chief civil authority of the settlement may appoint a municipal committee from among the resident rate-payers for the management of the "Municipal Fund" - - -	"	XIII.		
the committee may make rules and regulations for carrying out the objects specified in sections 12 and 13 - - - -	"	XIV.		
collector shall annually publish a statement of the receipts and disbursements - - - -	"	XV.		
owners of wheeled carriages let to hire, required to enter such carriages in a register to be kept at the police-office. Penalty for non-entry -	"	XVI.		
penalty for not placing a numbered board on the carriages as required - - - -	"	XVII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Straits Settlement; Quarter Session and police fees, fines, &c. &c., to be paid into the Municipal Fund - - - -	IX.	XVIII.		
assessments not to be affected by mistake in the names of persons or things or amounts - - -	"	XIX.		
exemptions.				
Coroner's Jury in. [See Coroner's Jury.]				
Subordinate Criminal Courts, Revision of the sentences of. [See Nizamut Adawlut.]				
Suits, Period limited for filing, against awards of revenue authorities under Regulations VII. of 1822, IX. of 1825 and IX of 1833, Bengal Code, before the passing of this Act - - -	XIII.	I.	- -	- - Bengal Presidency.
such, shall be admissible for how many years after the passing of this Act against awards passed before this Act - - - -	"	II.		
period limited for filing, against awards finally passed after the passing of this Act - - - -	"	III.		
Supreme Court may issue commissions to persons for taking affidavits and solemn affirmations in causes pending before it	XIV.	I.	- -	Calcutta.
such affidavits to be deemed as if taken in Court - - - -	"	II.		
penalty for making false affidavits or solemn affirmations - -	"	III.		
Supreme Courts, officers of, prohibited from trading. [See Courts.]				
Surat, administration of the estate of the late Nuwab of. [See Nuwab.]				
T.				
Tax. [See Straits Settlements.]				
Tenasserim Provinces, Ports in the, exempted from the operation of section 3 of Act VI. of 1848. [See Duties.]				
Thieves, Gangs of. [See Robbers.]				
"Thug," "Thuggee," "Murder by Thuggee," meaning of, as used in Acts - - -	III.	- -	- -	General.
W.				
Wagers declared null and void, and suits respecting wagers not to be allowed in any Court - - - -	XXI.	I.	- -	General.
courts established by Royal Charter instead of directing an issue to be tried on a feigned wager may examine witnesses orally in open Court - -	"	II.		

INDEX to the ACTS for 1849.

(Nos. I. to XV.)

A.	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Abkaree; collection of revenue from the retail sale of spirituous or fermented liquors or intoxicating drugs to be under the Collector of Calcutta, subject to the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium	XI.	II.	- -	Calcutta.
Collector may appoint officers for the collection of the revenue and prevention of smuggling	"	III.		
penalty for selling by retail any spirituous or fermented liquors, &c., without a license	"	IV.		
sale of what quantity of English or foreign beer, wines or spirits, or Bengal spirituous or fermented liquors or intoxicating drugs, shall be deemed a retail sale	"	V.		
sale of quantities larger than those specified above prohibited; penalty for breach of this prohibition; importation of spirituous or fermented liquors and intoxicating drugs under passes from the Collector for wholesale to retail dealers, or for exportation, not prohibited	"	VI.		
Board of Customs, Salt and Opium shall regulate the form of licenses	"	VII.		
persons taking out a license shall execute a counterpart of the same	"	VIII.		
persons taking out a license shall pay the duty fixed with the Board's sanction	"	IX.		
Collector may recall a license for default or any other cause	"	X.		
license-holders may surrender their license on payment of an additional tax for 15 days	"	XI.		
Justices of the Peace shall not grant licenses to persons not holding licenses for the retail of liquors or drugs to open hotels, punch-houses, boarding-houses, &c., where spirits may be sold	"	XII.		
payment of arrears of duty on account of license how to be enforced	"	XIII.		
penalty for breach of conditions of a license	"	XIV.		
penalty for persons not holding licenses having in possession or carrying within Calcutta, without a pass, spirituous liquors in quantities specified in section V.	"	XV.		
such spirituous liquors, &c., will besides be seized and confiscated with vessels, packages and conveyances	"	XVI.		
officers may enter and inspect places where spirituous liquors, &c. are sold	"	XVII.		
licenses to be shown on the demand of any abkaree officer, and in default, what shall be the penalty	"	XVIII.		
officers may detain persons carrying spirituous liquors, &c. without a pass, and may seize the same	"	XIX.		
what steps to be taken on information being received by the Collector of the concealment of illicit spirituous liquors, &c.	"	XX.		
penalty for peace officers refusing to help the abkaree officers in the execution of this Act	"	XXI.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Abkaree; Proceedings to be adopted by the abkaree officers and the Collector on the arrest of persons and seizure of illicit articles - - - - -	XI.	XXII.		
— penalty for persons giving false information of illegal sale or deposit of spirituous liquors, &c. - - -	"	XXIII.		
— penalty for resistance of proceedings, and for breach of the peace arising therefrom - - - - -	"	XXIV.		
— officers delaying to produce before the Collector persons arrested, or illicit articles, or neglecting to report an arrest, seizure or search, shall be liable to what punishment - - - - -	"	XXV.		
— penalty for officers vexatiously seizing goods or arresting persons - - -	"	XXVI.		
— penalty for officers conniving at the escape of persons arrested, or at the illegal sale of spirituous liquors, &c. -	"	XXVII.		
— officers taking unauthorized gratuities for doing or omitting to do any official acts, and persons offering bribes to such officers shall be liable to what penalty - - - - -	"	XXVIII.		
— judicial procedure for determining cases concerning seizure of confiscated goods or chattels, and the sale thereof -	"	XXIX.		
— ditto for declaring goods liable to forfeiture, and their final disposal, when no claimant appears within one month after notice - - - - -	"	XXX.		
— all fines, except those under section 38, to be adjudged by a Justice of the Peace for Calcutta. Offenders in default of payment shall be liable to imprisonment not exceeding six months. Time for taking proceedings under this section limited - - - - -	"	XXXI.		
— repetition of offences by the same offender how to be punished - - -	"	XXXII.		
— informers how to be rewarded out of the fines levied and proceeds of articles confiscated, and when there is no fine realized - - - - -	"	XXXIII.		
— fines, the disposal of which is not provided for, shall belong to Government, but the board may grant any portion thereof to informers, or to injured parties	"	XXXIV.		
— information or judicial proceedings before any Justice of the Peace not to be affected by a Writ of <i>Certiorari</i> , except in case of an erroneous judgment	"	XXXV.		
— the Abkaree Commissioner or the Board may call for the proceedings of the Justice of the Peace, and may restore confiscated property and remit any penalty - - - - -	"	XXXVI.		
— limitation of period for the commencement of any action or prosecution against the Collector or any abkaree officer, and notice thereof to be given one month before the commencement of the action. Tender of sufficient amends before or of money after the action shall bar the plaintiff from recovering damages - - - - -	"	XXXVII.		
— penalty for contempt in the Collector's <i>Catcherry</i> : appeal to lie to the Commissioner of Abkaree, and in his absence to the Board of Customs, Salt and Opium, whose decision shall be final	"	XXXVIII.		
Act XXXI. of 1845 repealed - - -	VI.	I.		
— XXI. of 1839 and				
— III. of 1842, extended to the town of Madras. [See Magistrates] - - -	VIII.			

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Act IV. of 1835.				
— I. of 1837, and				
— XXXII. of 1838, extended to the Presidency of Madras. [See Justices of the Peace.]	IX.			
— I. of 1842, and				
— XXVI. of 1845, repealed. [See Ab- karree]	XI.	I.		
— Acts of Parliament. [See Statutes.]				
Administrator-general may apply for and obtain, instead of the ecclesiastical registrar, letters of administration of estates of British subjects dying intes- tate within the Bengal Presidency or its subordinate territories, if no next of kin establish their claim to the ad- ministration of the estate, or the exe- cutors of estates refuse to prove the will	VII.	I.	- -	Bengal.
— estates, effects and interests vested in the ecclesiastical registrar of the Supreme Court, and all books and papers under his control appertaining thereto, transferred to the, with all powers, as the registrar might exercise	"	II.		
— the ecclesiastical registrar shall be the first, and shall cease to be ecclesiastical registrar, and the administrator-general shall receive the commissions to which he was en- titled as registrar	"	III.		
— on future vacancies the, shall be appointed by the Governor- general in Council	"	IV.		
— shall not hereafter be deemed an officer of the Supreme Court, and not otherwise accountable to it than any ordinary executor or ad- ministrator	"	V.		
— what security to be given by the	"	VI.		
— rate of commission to which he shall hereafter be entitled for the discharge of his duties	"	VII.		
— no person other than the, shall be entitled to any Commission as executor of any will, but an executor may have the benefit of any legacy left to him	"	VIII.		
— assets, where to be kept and how invested	"	IX.		
— accounts of estates, how to be kept, and receipts and payments, how entered. Books shall be open for public inspection on payment of a fee	"	X.		
— schedules of estates to be filed in the Supreme Court twice a year, and published in the Calcutta Gazette. Copies to be delivered to the Secretary of the Presidency, and sent to the Court of Directors for publication	"	XI.		
— Governor-general in Council shall appoint auditors to exa- mine the accounts of the	"	XII.		
— the auditors shall vouch for and report to Government the cor- rectness of the accounts	"	XIII.		
— auditors may summon the, and others, and call for books and papers, and what course shall be taken by them in case of default	"	XIV.		
— costs of the preparation and publication of the Schedules, how to be adjusted	"	XV.		

(continued)

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Administrator-general; auditors shall report to the Governor-general in Council the substance of any objections they may take to the correctness of the schedules	VII.	XVI.		
— Governor-general in Council shall refer such report to the Advocate-general that he may proceed summarily by petition for an account against the; the Court shall examine parties or refer the accounts to be taken in the ordinary way - - -	"	XVII.		
— costs of reference and examination how to be defrayed -	"	XVIII.		
— power of Court to make orders upon such petitions, and effect of such orders - - -	"	XIX.		
— may grant certificates entitling claimants to a principal share of the effects of British subjects dying intestate to receive sums if they do not exceed 500 rupees, and no letters of administration be taken out for three months - - -	"	XX.		
— shall not be bound to grant such certificate unless satisfied of the title of the claimant and the value of the effects - - -	"	XXI.		
— receipt from the person getting the certificate of money or security belonging to such estates, shall be a discharge with respect to the claim of any other person upon the person paying the same. Any next of kin, or representative, or creditor of the deceased, shall have remedy for recovery against the person receiving the money	"	XXII.		
— may take out letters of administration if he discovers any fraud or misrepresentation, or that the value of the estate exceeds 500 rupees -	"	XXIII.		
— may charge a fee of 3 per cent. on the amount of the certificate - - -	"	XXIV.		
— penalty for perjury committed on examination authorized by this Act - - -	"	XXV.		
Alimentary Salt. [See Salt.]				
Army, tampering with the. [See Military or Naval Forces.]				
Arrack imported into the Straits Settlements. [See Duty.]				
Asiatic Rum imported into the Straits Settlements. [See Duty.]				
B.				
Bank, Union. [See Union Bank of Calcutta.]				
Board of Revenue at Madras, powers of the, may be vested in a member of the board on being deputed by the Governor in Council to any district on a commission. [See Commissioner.]				
Branding Convicts, practice of, abolished. [See Regulations] - - -	II.	II.	-	General.
British subjects dying intestate within the Bengal Presidency, administration of the estates of. [See Administrator-general.]				
C.				
Commissioner; Governor in Council may depute a member of the Board of Revenue as, to any district with the powers of the Board of Revenue collectively -	X.	I.	-	Madras.
— effect of the special commission which may be given to such member - - -	"	II.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Commissioner; commission to be published in the "Fort Saint George Gazette," and the revocation or other determination of the same - - - -	X.	III.		
- - - - documents belonging to such commission shall be deemed records of the said Board - - - -	"	IV.		
Convicts; practice of branding, abolished. [See Regulations] - - - -	II.	II.	- -	General.
Criminal Courts having cognizance of offences under section 36, Regulation II. 1827, of the Bombay Code, may issue warrants under the hands of the Judges, or one of the Judges for the arrest of the accused - - - -	XII.	III.	- -	Bombay.
- - - - offenders against the said law may be tried and punished after removal from the establishment of the Court to which they belong at the time of committing the offence - - - -	"	IV.		
Criminal Lunatics. [See Lunatics.]				
Custody of Criminal Lunatics. [See Lunatics.]				
Customs. [See Duty.]				
D.				
Drugs; intoxicating. [See Abkaree.]				
Duty; Customs or Excise, on any greater or less than the given quantity, how to be regulated - - - -	V.	- -	- -	General.
E.				
Estates; administration of, of British subjects dying intestate within the Bengal Presidency. [See Administrator-general.]				
Excise. [See Duty.]				
F.				
Foreign Territories; persons in the Company's service, and subjects of the British Government committing offences within, who may be apprehended within the British territories, shall be amenable to the law for offences committed in the territory of any foreign prince or state -	I.	II.	- -	General.
- - - - the committing magistrate shall, before trial, report the case to Government - - - -	"	III.		
- - - - Government may order the trial before any competent court -	"	IV.		
- - - - if the offence be committed in, in which there is a Court established by authority of the Governor-general in Council, the offender may be made over for trial before such Court -	"	V.		
- - - - in committing such offender for trial what shall be the forms of warrant and bail-bond, pending the order of Government and after receipt of such orders - - - -	"	VI.		
- - - - Order of Government shall be full authority for the trial and punishment of the offender within or out of the British territories - - - -	"	VII.		
- - - - meaning of "Government" defined - - - -	"	VIII.		
- - - - Commissioners vested with the delegated authority given to the Government may receive reports and give orders under this Act - - - -	"	IX.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
I.				
International Jurisdiction. [See Foreign Territories and Offences.]				
Intoxicating Drugs. [See Abkaree.]				
J.				
Justices of the Peace; powers of two, within the Madras Presidency or its subordinate places, vested in one Justice of the Peace appointed to be a magistrate -	IX.	I.	- -	Madras.
one Justice of the Peace appointed as magistrate, may issue a warrant of distress for the recovery of arrears of assessment -	"	II.		
L.				
Leaguer of Arrack or Asiatic Rum imported into the Straits Settlements. [See Duty.]				
Liquors. [See Abkaree.]				
Lunatics may be acquitted by a competent court or jury for an offence proved to have been committed by them from unsoundness of mind -	IV.	I.	- -	General.
a special verdict to be given to that effect on acquitting them -	"	II.		
after verdict to be kept in custody for such time and in such manner as the Government may order -	"	III.		
who have been acquitted before the passing of this Act may be kept in custody in like manner -	"	IV.		
on being restored to soundness of mind shall not be discharged unless by order of Government -	"	V.		
Government may remove such, to a lunatic asylum or other place of safe custody; afterwards remand them to the prison from which they were removed, or order them to be discharged if no longer to be kept in custody -	"	VI.		
Meaning of the word "Government" defined -	"	VII.		
M.				
Madras; power of police magistrates for the town of, for the trial and punishment of simple larcenies and other felonies. [See Magistrates.]				
Commissioner of Revenue at. [See Commissioner.]				
Magistrate; powers given by Acts XXI. 1839, and III. 1842, to any Justice of the Peace for the town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies and assaults on board of merchant ships, extended to any, for the town of Madras -	VIII.	I.	- -	Town of Madras.
the above Acts how to be read in respect of the town of Madras and the Madras Roads -	"	II.		
powers of a single, who is also Justice of the Peace within the Madras Presidency. [See Justices of the Peace.]				
Malacca; duty on Arrack or Asiatic Rum imported into. [See Duty.]				
Marking Convicts; the practice of, abolished	II.	II.	- -	General.
Military Pensions exempted from seizure. [See Pensions.]				

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Military or Naval Forces of the East India Company; attempt to seduce persons serving in the, or to stir up mutiny among them, how punishable - - - offenders under this Act may be committed by any magistrate, and tried by the Court of Sessions or by the Supreme Court - - - futwa not requisite in the trial of such offences - - - persons not exempted from being tried by a Court Martial under the Articles of War and laws for the discipline of Indian Navy; but no person shall be tried for the same offence under the said laws and also this Act - Mutiny. [See Military or Naval Forces.]	XIV.	I.	-	General.
	"	II.		
	"	III.		
	"	IV.		
N.				
Naval Pensions exempted from seizure. [See Pensions.]				
Navy; tampering with the. [See Military or Naval Forces.]				
O.				
Offences cognizable under Section 36, Regulation II. of 1827, of the Bombay Code. [See Criminal Courts]	XII.	III. & IV.		
Offences committed by persons of unsound mind. [See Lunatics.]				
Offences committed in foreign territories by British subjects. [See Foreign Territories.]				
P.				
Pensions; Military, Naval and Superannuation, or those of any out-pensioner of Chelsea or Greenwich Hospital, exempted from seizure by process of court at the instance of a creditor - - - assignment of such by pensioners declared null and void - - - application of Act excepted in certain cases - - - Prince of Wales' Island; duty on arrack or Asiatic rum imported into. [See Duty.]	VI.	II.	-	General.
	"	III.		
	"	IV.		
R.				
Regulation V. of 1809; VIII. of 1813; I. of 1822, section 6; IX. of 1822; VIII. of 1829, of Bengal Code. II. of 1829; XII. of 1832, Madras Code. XI. of 1827, section 4 of, rescinded, Bombay Code [See Foreign Territories] IV. of 1797, section 11; VII. of 1803, section 35; XVII. of 1817, clauses 2, 3 and 4, section 12 of, Bengal Code VII. of 1802, section 35 of, Madras Code. II. of 1807, part of clause 1, section 3; XVII. of 1817, part of sections 9 and 10 of, Bengal Code.	I.	I.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Regulation VI. of 1811, part of section 3 ;				
— II. of 1822, part of sections 5 and 6, of Madras Code - - -				
— XIV. of 1827, part of Chapter II., of Bombay Code, and all Regulations authorizing the practice of branding or publicly exposing convicts rescinded. [See Convicts, Branding and Tusheer]	II.	I.		
— XII. of 1814, Bengal Code, repealed - - -	VI.	I.		
— II. of 1802, Section 24 of, Bengal Code, repealed - - -	XI.	I.		
— II. of 1827, Section 36 of, Bombay Code, amended - - -	XII.	III., IV.		
— X. of 1819, Sec- { Bengal Code } tion 36 to 47 of { made applicable } — IV. of 1832 { within Calcutta, } { and on the River } { Hooghly - - }	XIII.	VI.		
— XVIII. of 1827, Clause 1, Section 6, of Bombay Code, repealed. [See Stamped Materials] - - -	XV.	I.		
Rum, Asiatic, imported into Straits Settlement. [See Duty.]				
S.				
Salt; Governor of Bengal may establish chokies for preventing the smuggling of, into the town of Calcutta within the local jurisdiction of the Supreme Court, and place such chokies under a superintendent - - -	XIII.	I.	- -	Calcutta.
— the superintendent may appoint darogahs, and other officers who shall be styled "Officers of Salt Chokies" - -	"	II.		
— import of, into the town of Calcutta, in excess of 10 seers, and the storing thereof in quantities exceeding one maund prohibited, except under a pass or charchittee - - -	"	III.		
— found within the said town or upon the River Hooghly in contravention of this Act, shall be deemed contraband, and liable to confiscation - - -	"	IV.		
— excess of quantity more than what is covered by a rowannah, shall be deemed contraband, and if the excess exceeds a certain proportion, the whole shall be liable to confiscation. Persons carrying such, how to be punished. The excess how to be calculated - - -	"	V.		
— sections 36 to 47, Regulation X. 1819, and provisions of Regulation IV. 1832, Bengal Code, regarding rowannahs, made applicable within Calcutta and on the River Hooghly - - -	"	VI.		
— vessels, packages and coverings containing contraband, and the animals and conveyances carrying it, shall also be liable to confiscation - - -	"	VII.		
— penalty for persons in possession of contraband - - -	"	VIII.		
— Superintendent of chokies and other authorized officers may detain persons carrying contraband, and may seize also the salt, &c. - - -	"	IX.		
— power of the superintendent to enter into any place where contraband, may be stored, and to carry away the same, and to arrest persons suspected to be concerned in the storing thereof - -	"	X.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Salt; Constables and other officers of the peace shall help the superintendent and other authorized officers in the execution of this Act. Penalty for officers refusing to help - - - - -	XIII.	XI.		
— the facts of such seizure to be placed on record by the superintendent. Seizures made by subordinate officers to be reported to the superintendent within 24 hours - - - - -	"	XII.		
— penalty for persons giving false information against persons for importing or transporting or in respect of storing in contravention of this Act - - - - -	"	XIII.		
— penalty for persons obstructing the superintendent or the authorized officers in the execution of this Act, and additional penalty if an affray or breach of the peace shall happen in consequence -	"	XIV.		
— penalty for officers empowered to make seizures, delaying to carry persons arrested or the illicit articles seized, to the superintendent, or neglecting to report the particulars thereof within 24 hours - - - - -	"	XV.		
— penalty for officers vexatiously or unnecessarily seizing goods or persons -	"	XVI.		
— penalty for officers conniving at the smuggling of, or releasing or conniving at the escape of persons arrested or evading the provisions of this Act -	"	XVII.		
— penalty for officers receiving unauthorized gratuities and for persons offering a bribe - - - - -	"	XVIII.		
— proceeding to be adopted by the superintendent after the arrest of persons or seizure of contraband. The superintendent may release persons or property, when he considers such persons or property improperly arrested or seized -	"	XIX.		
— seizures of, and chattels to be heard and determined by a Justice of the Peace, and upon confiscation shall issue his warrant to the superintendent for the disposal thereof - - - - -	"	XX.		
— what course to be taken for the disposal of confiscated goods when no claimant appears within one calendar month -	"	XXI.		
— fines to be adjudged by a Justice of the Peace, and the said Justice shall within a limited period summon the parties accused and examine into the matter. Fines shall be commutable to imprisonment in default of payment - - - -	"	XXII.		
— Repetition of offences how punishable -	"	XXIII.		
— fines levied, how to be disposed of. If no fines are realized, officers and informers how to be rewarded - - -	"	XXIV.		
— fines, the disposal of which is not provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant a portion thereof to informers or to injured parties - -	"	XXV.		
— writs of <i>certiorari</i> shall not affect any information or judicial proceeding before any Justice of the Peace; and no judgment shall be quashed except for error -	"	XXVI.		
— the Board may call for proceedings and direct the seizure or part thereof to be restored, and remit or mitigate the penalty of parties - - - - -	"	XXVII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Salt; Limitation of the period for the commencement of any action against the superintendent or any other officer, and notice thereof to be given within one month; tender of sufficient amends before or of money after the action shall prevent the plaintiff from recovering damages - - - - -	XIII.	XXVIII. XXIX.		
— Definition of the term Alimentary Salt Seditio. [See Military or Naval Officers.]	"			
Singapore; Duty on Arrack or Asiatic Rum imported into. [See Duty.]				
Smuggling of Salt into Calcutta. [See Salt.]				
Spirits. [See Abkaree.]				
Stamped Materials; law respecting the use of, in the Bombay Presidency, amended by repealing Clause 1, Section 6, Regulation XVIII. of 1827, Bombay Code Statutes; part of Clause 159, Chapter LII. of the, passed in the 33d year of King George the Third, as relates to the sale of arrack or other spirituous liquors, within the town of Calcutta, repealed -	XV.	I.	-	
Sudder Adawlut; authority of the, to remain unimpaired notwithstanding its removal to the Island of Bombay - - - - -	XI.	I.		
— the Acts and Orders of the, not questionable in the Supreme Court further than if the Court were held in the nearest zillah - - - - -	XII.	I.	- -	Bombay.
T.	"	II.		
Tampering with the Army or Navy. [See Military or Naval Forces.]				
Tusheer; public exposure of convicts by, abolished - - - - -	II.	II.	- -	General.
U.				
Union Bank of Calcutta; legalizing an agreement entered into between the creditors of the, and the executive committee of the said Bank, which suspended payment in 1847, the same containing certain arrangements and conditions for an amicable adjustment of its debts, according to a schedule of assessment - - - - -	III.	I.	- -	Calcutta.
— payment of the sum assessed shall be a bar to all legal proceedings taken by creditors after executing the agreement against shareholders who shall have paid their shares of contribution - - - - -	"	II.		
— the agreement not to affect creditors who shall not have executed the agreement, nor to prevent creditors who have executed the agreement from taking legal steps against persons who shall not have paid their contributions - - - - -	"	III.		
— Any writ of <i>scire facias</i> issued or suits commenced against any shareholder before payment of his assessment may be prosecuted and continued afterwards if the suitor chooses so to do - - - - -	"	IV		
— schedule of assessment to be filed within one month in the office of the record-keeper of the Supreme Court as an evidence of the sums assessed against persons therein named - - - - -	"	V.		
Copy of agreement annexed to the Act.				

EAST INDIA.

ACTS passed by the Right Honourable the
GOVERNOR-GENERAL of INDIA in Council
and the Honourable the PRESIDENT of the
COUNCIL of INDIA in Council, in 1847, 1848
and 1849; with INDEXES.

(Presented pursuant to Act of Parliament.)

*Ordered, by The House of Commons, to be Printed;
7 February 1851.*

[Price 1s. 8d.]

EAST INDIA.

EAST INDIA ACTS for the YEAR 1850, with INDEX.

East India House, }
7 May 1852. }

JAMES C. MELVILL,
Secretary.

Ordered, by The House of Commons, to be Printed, 11 May 1852.

ACTS of the Government of India. 1850.

ACT No. 1. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 11th January 1850, with the Assent of the Most Noble the Governor-General of India. ACTS of 1850.

For confirming the Title to Lands in Calcutta taken for Public Purposes.

WHEREAS the execution of works of public usefulness in Calcutta is liable to be hindered by the difficulty in making a good title to the land taken for such purpose; It is enacted as follows:

I. The powers and provisions of the first seven sections of Regulation I. 1824, of the Bengal Code, shall be applicable to all lands within the town of Calcutta which shall have been declared by the Governor of Bengal to be needed for any public purpose; and such declaration shall be conclusive evidence that the purpose for which the lands are needed is a public purpose.

II. In all cases in which payment of any part of the purchase or compensation money is reserved according to the 5th clause of section 6, of the said Regulation, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said clause shall be deposited with the Government agent at Fort William, in Bengal, in the name and with the privity of the Accountant-general of Her Majesty's Supreme Court of Judicature at Fort William, to be placed by him to the credit of the persons interested in such lands, describing them, as nearly as may be done, according to the course of proceeding in the said Court in matters and causes depending before it in equity.

III. The said securities shall remain in the hands of the Government agent, and the interest accruing thereon shall be, from time to time, received and paid under the order of the said Supreme Court to the person or persons for the time being, who would have been entitled to receive the rents and profits of the said lands, if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the monies so reserved, and thereupon the said Government securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court, and so long as no person can be found entitled to receive the interest of the said Government securities, the Government agent shall continue to receive, and from time to time, to invest the accumulation of interest due thereon in the purchase of other Government securities, to be held and applied by him on the same trusts as the securities first purchased.

ACTS of 1850.

ACT No. II. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 11th January 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT to amend and extend to Madras and Bombay Act No. VII. 1849.

WHEREAS it is expedient to make new provisions for regulating the administration of the estates of British subjects, dying intestate in the several Presidencies of Fort St. George and Bombay; It is enacted as follows:

I. Act No. VII. 1849, shall be extended, and apply to the several Presidencies of Fort St. George and Bombay, subject to the alterations hereafter contained, as if, with reference to each of the said Presidencies, such Presidency were named therein instead of Bengal and Fort William in Bengal, and the Governor of such Presidency in Council, instead of the Governor-general of India in Council, and the chief town of such Presidency, instead of Calcutta.

II. The Administrator-general at Fort St. George and Bombay respectively, shall not cease to be Ecclesiastical Registrar of the Supreme Court there by virtue of this Act; and the two offices of Ecclesiastical Registrar and Administrator general may be held at Fort St. George or Bombay respectively by the same person.

III. The altered rate of commission, receivable by the Administrator-general at Fort St. George and Bombay respectively, under Act VII. 1849, and this Act, shall not take effect until such alteration shall be directed by the Governor of Fort St. George and Bombay in Council respectively, until which several times the same rate of commission may be lawfully taken there by the Administrator-general as might have been taken by the Ecclesiastical Registrar before the passing of this Act.

IV. It is and is declared to be a misdemeanor, punishable by fine and imprisonment, for any Administrator-general, in any of the Presidencies of Fort William, in Bengal, Fort St. George and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively; but this exception is not to be construed to alter the civil liabilities of the Administrator-general as trustee for the estates administered by him.

 ACT No. III. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 11th January 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for amending the Law concerning the Jurisdiction of the Courts of Sudder Ameen and District Moonsiffs, in the Presidency of Fort St. George.

In modification of section 2, of Act XI. 1836; It is enacted as follows:

I. After the passing of this Act no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever, exempt from the jurisdiction of the Courts of the Sudder Ameen and District Moonsiffs, in the territories subject to the Presidency of Fort St. George.

 ACT

ACT No. IV. OF 1850.

ACTS of 1850.

Passed by the Honourable the President of the Council of India in Council on the 15th February 1850, with the Assent of the most Noble the Governor-general of India.

For the Amendment of Procedure in Cases of Appeal to the Sudder Court.

WHEREAS inconvenience has resulted from the rule, allowing petitions of appeal to the Sudder Dewanny Adawlut from judgments of Principal Sudder Ameens, or of the Judges of the Zillah or City Courts, to be presented either in the Sudder Court, or in the Court in which the decision was passed, and from the rule allowing the specific objections to the judgment and detailed grounds and reasons for preferring the appeal to be, at the option of the party, either stated in the original petition of appeal, or afterwards filed in the Court, trying the appeal as a separate pleading; It is enacted as follows, in modification of Section 10, Regulation VI. 1793, Section 3, Regulation XII. 1797, and Section 8, Regulation XXVI. 1814, of the Bengal Code.

I. Every petition of regular appeal, in a case appealable to the Sudder Court, shall be presented to the Court in which the decision was passed, within six weeks from the day of the decision; such petition of appeal shall contain only notice that the party, being dissatisfied with the judgment, is desirous of appealing from it.

II. The proceedings held in the cause of appeal shall be certified to the Sudder Dewanny Adawlut, as soon as conveniently may be done; and notice thereof in writing shall be given to the appellant.

III. Within three months after receipt of such notice the appellant shall present to the Sudder Dewanny Adawlut the specific objections to the judgment, and detailed reasons for preferring the appeal, otherwise it shall be dismissed, unless he shall show reasonable cause, to the satisfaction of the Sudder Court, for his default.

 ACT No. V. OF 1850.

Passed by the Governor-General of India in Council, on the 8th of March 1850.

AN ACT for Freedom of the Coasting Trade of India.

WHEREAS by an Act of Parliament passed in the thirteenth year of the reign of Her Majesty, intituled, "An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation," it is enacted, with regard to the Coasting Trade of India, that it shall be lawful for the Governor-general of India in Council to make any regulations authorizing or permitting the conveyance of goods or passengers from one part of the possessions of the East India Company to another part thereof, in other than British ships, subject to such restrictions or regulations as he may think necessary; It is enacted as follows:

I. Goods and passengers may be conveyed from one part of the territories under the government of the East India Company to another part thereof, in other than British ships, without any restriction, other than is or shall be equally imposed on British ships for securing payment of duties of customs or otherwise.

 ACT No. VI. OF 1850.

Passed by the Governor-General of India in Council, on the 15th of March 1850.

For enabling the Commander-in-Chief to pardon Military Offences.

WHEREAS the power of pardoning persons under sentence of a court martial, for offences which are not punishable by any other authority, may be entrusted to the Commander-in-Chief of the military forces in the service of the East India Company

ACTS of 1850.

Company in each Presidency, but in all other cases ought to belong only to the Supreme Government; It is enacted as follows :

I. The Commander-in-Chief of the military forces in the service of the East India Company in each Presidency shall have power to pardon any person belonging to the said forces, convicted by sentence of a court martial of any offence against the Articles of War framed for the government of the native officers and soldiers in the military service of the East India Company, which, wherever committed, is not punishable otherwise than by sentence of a court martial; or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

II. In such cases, the Commander-in-Chief shall issue a warrant under his hand, setting forth the offence, and a copy of the warrant or other instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

III. The said warrant shall be countersigned by the magistrate of the zillah or city in which the offender is undergoing his sentence; or, if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by Royal Charter, shall be countersigned by a Judge of such Court, if it shall appear to such magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a court martial, but not otherwise.

IV. All sheriffs, gaolers and other persons having custody of any offender under sentence of a court martial, shall obey and give effect to any warrant of the Commander-in-Chief, countersigned by a magistrate or Judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.

ACT No. VII. OF 1850.

Passed by the Governor-General of India in Council, on the 15th March 1850.

AN ACT for better defining the Law as to the Removal of Prisoners.

WHEREAS, by the regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Fouzdaree Adawlut, and in other cases by the Governor or Governor in Council of the Presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the Court for a special order; It is enacted as follows :

I. Act VIII. 1844, is repealed.

II. When any person is under sentence of imprisonment within the territories under the government of the East India Company, by any authority other than that of one of the Supreme Courts of Judicature established by Royal Charter, the Governor or Governor in Council, or other person administering the Government of the Presidency or place, may order the removal of such prisoner from the prison or place in which he is confined, to any other public prison or place of confinement within the same Presidency or Government.

III. The time of removal from one prison to another, or while the prisoner is in custody under such warrant of removal, shall reckon as part of his imprisonment.

ACT

ACT No. VIII. OF 1850.

ACTS of 1850.

Passed by the Governor-General of India in Council, on the 15th March 1850.

AN ACT to amend the Law for enabling the Zillah and City Judges and Principal Sudder Ameens, in certain cases of Appeal, to confirm the Decision without summoning the Respondent.

WHEREAS it will lessen the delay and expense of appeals, if the powers possessed by Zillah and City Judges of confirming decisions on certain appeals without serving any notice on the respondents, are extended to Principal Sudder Ameens; It is enacted as follows :

I. The powers given to Zillah and City Judges, by clause 3, section 16, of Regulation V. 1831, of the Bengal Code, are extended to Principal Sudder Ameens in all appeals referred to them.

II. Every Judge and Principal Sudder Ameen who shall confirm any decision under the said Regulation, or this Act, without giving notice to the respondent, shall record his reasons for rejecting the appeal.

ACT No. IX. OF 1850.

Passed by the Governor-General of India in Council, on the 15th of March 1850.

AN ACT for the more easy Recovery of Small Debts and Demands in Calcutta, Madras and Bombay.

WHEREAS it is expedient to amend the constitution and practice, and to extend the jurisdiction, of the several Courts established at Calcutta, Madras and Bombay, for the recovery of small debts; It is enacted as follows :

I. The several Courts of Commissioners and of Requests for the Recovery of Small Debts, now holden in the towns of Calcutta, Madras and Bombay, under the authority of the Charter of Justice of King George the Second, and of two Acts of Parliament, severally passed in the 37th year and 40th year of the reign of King George the Third, and of the Regulations and Proclamations made from time to time for constituting and for new modelling, altering and reforming the constitution and practice of the said Courts respectively, and of Act XII. 1848, shall be holden according to the provisions of this Act, from and after such several days as shall be declared within the said towns, by proclamation to be made and published in due form of law in each of the said towns, by the Governor in Council.

II. Where, in this Act, the words "Governor in Council" or "Supreme Court" are used, they shall be taken to apply severally to the person or persons administering the executive Government, and to the Supreme Court established under Royal Charter of each of the Presidencies of Fort William, in Bengal, Fort St. George and Bombay, with reference only to the Court holden under this Act in the same Presidency.

III. From and after the day declared in any such proclamation, all provisions of the said Charter of Justice and Acts of Parliament, and of any Regulation, Act or Proclamation heretofore made concerning the constitution or practice of the Court referred to in such proclamation, shall be rescinded and repealed.

IV. The style of the several Courts holden under this Act shall be "The () Court of Small Causes," inserting in the blank space Calcutta, Madras or Bombay, as the case requires.

V. The jurisdiction of the several Courts holden under this Act shall extend over the whole district now within the jurisdiction thereof respectively, and over such further district as may from time to time be declared by proclamation of the Governor in Council; provided, that no proclamation for extending the district of any of the said Courts be made without the previous sanction of the Governor-general of India in Council.

VI. Every Court holden under this Act shall be a Court of Record, and shall be deemed a Court of Requests within the meaning of Act VII. 1841, section 6.

ACTS of 1850.

VII. All proceedings commenced in any of the said Courts before the time when the constitution and practice of such Court shall be altered under this Act, may be continued, executed and enforced against all persons liable thereunto, in the same manner as if they had been commenced according to this Act; and each of the said Courts shall be empowered, in any case of doubt as to the proper manner of continuing, executing or enforcing any such proceedings, to make such orders thereon as shall appear to the Court to be necessary for giving full effect to this enactment.

VIII. The Governor in Council shall appoint as many persons as are necessary, not exceeding three, to be Judges of the Court, one of whom shall be a barrister-at-law, or advocate of one of the Supreme Courts of India, or of the Court of Session in Scotland.

IX. No Judge appointed under this Act shall, during his continuance as such Judge, practise as an advocate, attorney or vakeel in any of the Queen's Courts, or in any Court of the East India Company, or trade or traffic for his own benefit, or for the benefit of any other person, or be the partner of any person so practising, trading or trafficking.

X. The Governor-general of India in Council may remove any such Judge on the application of the Governor in Council.

XI. Any Judge or Judges of the Supreme Court of Judicature, who shall consent to aid in the execution of this Act, may exercise all the powers of a Judge appointed under this Act, and suits may be tried by him sitting in the Supreme Court under this Act, in like manner as if he were a Judge of the Court of Small Causes; and no appointment of a Judge under this Act shall be made while it appears to the Governor in Council that the whole business of the Court can be transacted by the Judges of the Supreme Court so consenting to act.

XII. The duties herein directed to be performed by the clerk and bailiffs respectively of the Court of Small Causes, shall be performed in such cases as are tried by a Judge of the Supreme Court by such ministerial officers of the Supreme Court as shall be from time to time appointed by the said Judge of the Supreme Court for that purpose, and the persons so appointed shall have all the powers and protections by this Act given to the clerk and bailiffs of the Court of Small Causes respectively, and shall receive such remuneration for their services out of the fees received in the causes tried by a Judge of the Supreme Court, as he shall deem reasonable, and the residue shall form part of the general fund of the Court of Small Causes.

XIII. There shall be a clerk for every Court holden under this Act, whom the Judges of the Court shall appoint, subject to the approval of the Governor in Council, and may remove, subject to the like approval; if necessary, additional clerks may be appointed, with the sanction of the Governor in Council.

XIV. The clerk of each Court shall issue all summonses, warrants, precepts and writs of execution, and keep an account of all proceedings of the Court, and shall take charge of, and keep an account of all Court fees, and fines payable or paid into Court, and of all monies paid into and out of Court, and shall enter an account of all such fees, fines and monies in a book belonging to the Court, to be kept by him for that purpose; and shall monthly, or at such other times as shall be directed by the Governor in Council, submit his accounts to be audited or settled in such manner as the Governor in Council from time to time shall direct.

XV. The Judges of every such Court shall, from time to time, appoint a sufficient number of persons to be bailiffs of the Court, not exceeding the number, from time to time, allowed by the Governor in Council, and may at their pleasure suspend or dismiss any bailiff so appointed.

XVI. The bailiffs shall attend every sitting of the Court, for such time as shall be required by the Judges, and shall serve all the summonses and orders, and execute all the warrants, precepts and writs issued out of the Court; and shall, in the execution of their duties, conform to all such general rules as shall be, from time to time, made for regulating the proceedings of the Court.

XVII. Every clerk or other officer of any such Court who shall by himself or by any partner, or in any way, directly or indirectly, be concerned or act as attorney or vakeel, or be concerned in any trade or profession on his own account, or for any other person, shall forfeit and pay the sum of 500 rupees to any person who shall sue for the same in the Supreme Court, by action of debt, or on the case.

XVIII. The

XVIII. The clerk and bailiffs shall give security for such sum, and in such manner and form as the Governor in Council from time to time shall order, for the due performance of their several offices, and for the due accounting for and payment of all monies received by them under this Act, or which they may become liable to pay for any misbehaviour in their office.

XIX. There shall be payable in the Courts holden under this Act the fees set forth in the annexed Schedule, beside the sum of two annas in the rupee on the amount of the sum claimed, which fees shall be paid over to an account to be termed the General Fund of the Court.

XX. The rateable fee or commission shall be paid by the plaintiff before the summons issues; the other fees on every proceeding shall be paid, in the first instance, by the plaintiff, or party on whose behalf such proceeding is to be had, on or before such proceeding; if the plaintiff recovers a less sum than he has demanded, the defendant shall not, in any case, be required to repay to him more than the fees and commission calculated upon the sum recovered. If the case is settled by agreement of the parties, before hearing, half the amount of the fees paid up to that time shall be returned to the parties by whom they have been severally paid. The Judges of the said Court may, at their discretion, grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and commission, and also may remit costs wholly or partially to poor suitors.

XXI. The Governor in Council may at any time lessen the amount of the fees to be taken in the Courts holden under this Act, in such manner as to him shall seem fit, and may again increase such fees, so that the scale of fees given in this Act be not, in any case, surpassed.

XXII. The Governor in Council shall from time to time make such rules as to him shall seem meet, for securing the balances and other sums of money in the hands of any officers of every Court holden under this Act, and for the due accounting for and application of all such balances and other sums of money.

XXIII. The Courts shall sit daily, except on Sundays, Christmas-day and Good Friday, and on native or other holidays, which the Governor in Council shall direct the Court to observe; and each of the Judges may sit apart from the others, or with either of them, at the same time, or at different times; and any one or two of the said Judges so sitting apart shall have all the judicial authority which is herein given to all the Judges.

XXIV. A seal shall be made for every Court holden under this Act, under the direction of the Governor in Council, and all summonses and other process issuing out of the Court shall be sealed or stamped with the seal of the Court; and every person who shall forge the seal, or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver, or cause to be delivered, to any person, any paper falsely purporting to be a copy of any summons or other process of the said Court, knowing the same to be false, or who shall act, or profess to act under any false colour or pretence of the process of the said Court, shall be guilty of felony.

XXV. All suits where the debt or damage claimed, or value of the property in dispute is not more than 500 rupees, whether on balance of account or otherwise, may be brought in the Court of Small Causes; and all such suits brought in the said Court shall be heard and determined in a summary way, and every defence which would be deemed good in the Supreme Court sitting as a Court Equity, shall be a good bar to any legal demand in the Court of Small Causes: Provided always, that the Court shall not have jurisdiction in any matter concerning the revenue, or concerning any act ordered or done by the Governor or Governor-general, or any member of the Council of India, or of any Presidency, in his public capacity, or done by any person by order of the Governor-general or Governor in Council, or concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court, or any such Judge or judicial officer, or in any suit for libel or slander.

XXVI. On the application of any person desirous to bring a suit under this Act, the clerk of the Court shall issue, under the seal of the Court, a summons, which shall be numbered, and shall set forth the names of the plaintiff and defendant, the cause of action, with such particulars as shall be from time to time directed by the rules of the Court, and the amount sued for, and shall be served on the defendant, so many days before the day on which the Court shall

ACTS of 1850.

be holden at which the cause is to be tried, as shall be directed by the rules for regulating the practice of the Court; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such summons shall vitiate the same, if the person or place be therein described so as to be commonly known.

XXVII. No mis-statement of the cause of action in the summons issued under this Act shall vitiate the same, and the Judges of the Court may, in their discretion, rectify such mis-statement as soon as discovered, and alter the record accordingly; and if the defendant, or one of the defendants be present in Court at the time of such discovery, the hearing of the cause, after the record shall have been so altered, shall be proceeded with as if no such mis-statement had happened; but in the absence of the defendant, or of all the defendants, a new summons of the same number and date as the original summons shall be issued, with the altered statement of the cause of action.

XXVIII. All persons shall be deemed within the jurisdiction of the Court, who dwell or carry on their business, or work for gain, within the district of the Court at the time of bringing the action, or who did so dwell or carry on their business or work therein at the time when the cause of action arose, or within six months before the time of bringing the action for causes of action which arose within the same time.

XXIX. Any summons or other process of any of the said Courts, service of which is needed out of the district of the Court, may be exhibited in any court of law, or before any Magistrate, and shall be thereupon endorsed by the Magistrate or Judge of such Court; and when so endorsed, may be served in like manner as any order or process from such Court or Magistrate; and such service shall be as valid as if the same had been made by the bailiff of the Court out of which such summons or other process shall have issued, within the jurisdiction of the Court for which he acts.

XXX. Service of any summons, or other process of the Court which shall require to be served out of the district of the Court, may be proved by affidavit, or solemn affirmation, purporting to be sworn or made before any Judge or Magistrate; and in every case of the unavoidable absence of the bailiff by whom any summons or other process of the Court has been served, the service of such summons or other process may be proved, if the Judges think fit, in the same manner as a summons served out of the district of the Court.

XXXI. Any minor may prosecute a suit in any Court holden under this Act, for any sum of money not greater than 500 rupees, which may be due to him for wages or piecework, or for work as a servant, in the same manner as if he were of full age.

XXXII. The jurisdiction of the Court shall extend to the recovery of any demand not exceeding the sum of 500 rupees, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

XXXIII. Any executor or administrator may sue and be sued in any Court holden under this Act, in like manner as if he were a party in his own right; and judgment and execution shall be such as in the like case would be given or issued in the Supreme Court in the like case; but no executor or administrator shall be summoned in that capacity within six months after the death of the person whose executor or administrator he is.

XXXIV. A plaintiff shall not be allowed to divide any cause of action for the sake of bringing two or more suits in any of the said Courts; but any plaintiff having cause of action for more than 500 rupees, may abandon the excess, which shall be entered in the record, and stated in the summons, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding 500 rupees; and the judgment of the Court shall be in full discharge of all demands, in respect of such cause of action, and entry of the judgment shall be made accordingly.

XXXV. The Governor-general and members of the Supreme Council of India, the Governors and members of Council of the Presidencies of Fort William in Bengal, Fort St. George and Bombay respectively, and the Chief Justices and Judges of the several Supreme Courts established therein by Royal Charter, shall not be liable to arrest or imprisonment by process issuing out of any Court holden under this Act, and no writ or process shall be sued out of the said Court

against

against any of the persons privileged by Act I. 1844, or Act XVIII. 1848, without the consent of the Governor in Council.

XXXVI. Where any plaintiff shall have any demand recoverable under this Act, whether founded on contract or wrong, against two or more persons jointly answerable, it shall be sufficient, if any of such persons be served with process, and judgment may be obtained, and execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the Court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the Court holden under this Act, contribution from any other person jointly liable with him; and in all cases of misjoinder of defendants, the Judges may order the suit to proceed against such of the defendants only against whom cause of action appears, and may give judgment against them only, giving also judgment for costs for the defendants improperly joined.

XXXVII. The Judges of the Court shall be empowered to determine all questions as well of fact as of law or equity, as administered in the Supreme Court, in all cases which they have authority to try.

XXXVIII. On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer; and on answer being made in Court, the Judges shall proceed, in a summary way, to try the cause, and give judgment, without further pleading or formal joinder of issue.

XXXIX. A defendant having any cause of action against the plaintiff, whether or not the same exceeds 500 rupees, shall be entitled to set the same against the plaintiff's demand; and if judgment is given in such case for the plaintiff, shall be entitled to sue the plaintiff for the balance only of his original demand, after deducting the amount of debt or damages and costs recovered against him under this Act.

XL. The Judges may, in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner, and on such terms, as they shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judges; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual, to all intents, as if given by the Judges; provided that the Judges may, if they think fit, on application to them at the first Court held after the expiration of one week after the entry of such award, set aside any such award, or may, with the consent of both parties, revoke the reference, or order another reference to be made in the manner aforesaid.

XLI. The Judges of each Court holden under this Act, subject to the approval of the Judges of the Supreme Court, shall have power to make and issue all the general rules for regulating the practice and proceedings of the Court, and also to frame forms for every proceeding in the Court, for which they shall think it necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the clerk of the Court, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be observed and used in the Court of that Presidency, and shall be sent to the Supreme Court for approval, but shall be of force until disapproved; and in any case not expressly provided for herein, or by the said rules, the general principles of practice in the Supreme Court may be adopted and applied, at the discretion of the Judges, to actions and proceedings in their Court.

XLII. If upon the day of the return of any summons, or at any continuation or adjournment of the said Court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the Court, the Judges may nonsuit the plaintiff, or give judgment for the defendant; and in either case where the defendant shall appear, and shall not admit the demand, may award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as they in their discretion shall think fit; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same Court can be recovered: Provided always, that if the plaintiff shall not appear when called

ACTS of 1850.

upon, and the defendant, or some one duly authorized on his behalf shall appear and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared.

XLIII. If, on the day so named in the summons, or at any continuation or adjournment of the Court or cause in which the summons was issued, the defendant shall not appear or sufficiently excuse his absence, or shall neglect to answer when called in Court, the Judges, upon due proof of service of the summons, may issue a writ of attachment to compel the appearance of the defendant; or, in their discretion, may proceed to the hearing or trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended: Provided always, that the Judges in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon; and may grant new trial of the cause, upon such terms, as to payment of costs, giving security for debt or costs, or otherwise, as they think fit, on sufficient cause shown to them for that purpose.

XLIV. The Judges may in any case make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may, from time to time, adjourn any Court, or the hearing or further hearing of any cause, in such manner as to them may seem fit.

XLV. The defendant in any action brought under this Act, for the recovery of money, whether for debt or damages, within such time as shall be directed by the rules for regulating the practice of the Court, may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, with the costs incurred by the plaintiff up to the time of such payment, and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and if the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff.

XLVI. On the hearing or trial of any action or any other proceeding under this Act, the parties thereto, their wives, and all other persons, may be examined on behalf of either the plaintiff or defendant, subject nevertheless to the Acts and Regulations in force with respect to the examination of women of a rank and situation in life which, according to the customs of the country, would render it improper to compel them to appear in a court of justice.

XLVII. Every person shall be examined on oath, or, when exempt by law from taking an oath in any court of justice, on solemn affirmation; and every person who, in any examination upon oath or solemn affirmation under this Act shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

XLVIII. Either of the parties to the suit or any other proceeding under this Act, may obtain, at the office of the clerk of the Court, summonses to witnesses, with or without a clause requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

XLIX. Every person on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers or writings required by such summons to be produced, and also every person present in Court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding 100 rupees, as the Judges shall set on him; and the whole or any part of such fine, in the discretion of the Judges, after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

L. The Judges of any Court established under this Act, in all suits where the debt or demand exceeds the sum of 30 rupees, upon proof before them that any defendant against whom a summons has been taken out conceals himself from, or otherwise evades process of the Court, or is disposing of his property and effects with intent to defraud the plaintiff, or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of the Court, may issue a warrant for the apprehension of such person, and may commit him to gaol

gaol until he shall find security for his appearance in the said Court, from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

LI. Payment of any fine imposed by any Court under the authority of this Act, may be enforced upon the order of the Judges, in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

LII. All the costs of any action or proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the parties, in such manner as the Judges shall think fit, and, in default of any special direction, shall abide the event of the action; and execution may issue for the recovery of any such costs, in like manner as for any debt adjudged in the said Court.

LIII. Every order and judgment of any Court holden under this Act, except as herein provided, shall be final and conclusive between the parties; but the Judges shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given to them, entitling either the plaintiff or defendant to the judgment of the Court, and shall also, in every case whatever, have the power, if they shall think fit, to order a new trial to be had, upon such terms as they shall think reasonable, and in the meantime to stay the proceedings.

LIV. No cause commenced in any Court holden under this Act shall be removed from the said Court into the Supreme Court, by any writ or process, unless the debt, or damage or value of the property claimed exceeds 100 rupees, and then only by leave of a Judge of the said Supreme Court, on proof to his satisfaction that some question of law or equity is likely to arise therein, which, by reason either of its difficulty, novelty or general importance, or of some erroneous course of decision on the same point in the Court of Small Causes, may appear to him fit to be tried in the Supreme Court, and upon such terms as to payment of costs, giving security for debt or costs, or otherwise, as he shall think fit.

LV. The Judges of the Court of Small Causes may, in their discretion, reserve any question of law or equity on which they entertain doubts, or which they shall be requested by either party to the suit to reserve for the opinion of the Judges of the Supreme Court, and shall give judgment contingent upon the opinion of the said Supreme Court on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together, and shall differ in opinion, the question on which they differ shall be so referred.

LVI. The Judges may make orders concerning the time or times, and by what instalments, any debt, or damages or costs, for which judgment shall be obtained in the said Court, shall be paid; and all such monies shall be paid into Court, unless the Judges shall otherwise order.

LVII. If there be cross judgments between the parties, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum; and if both sums shall be equal, satisfaction shall be entered upon both judgments.

LVIII. Whenever the Court shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof, forthwith, or, at the time or times and in the manner directed, by execution against the body, or the goods and chattels of the person against whom such order is made, without further notice or order; and the clerk of the said Court, at the request of the person prosecuting such order, shall issue, under the seal of the Court, a writ of execution to one of the bailiffs of the Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be levied, by distress and sale of the goods and chattels of such person, such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such writ.

LIX. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment, according to such order; and execution, or successive executions, may then issue, without further notice or order, for the whole of the

ACTS of 1850.

the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall order, either at the time of making the original order, or at any subsequent time, under the seal of the Court.

LX. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the bailiffs of the Court shall be empowered, by virtue thereof, to take and convey him to any prison appointed by the Governor in Council to be the prison of the Court, there to remain for such term as shall be directed by the warrant, not longer than six calendar months, or until he shall sooner perform the order of the Court.

LXI. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time, under the same judgment.

LXII. Every person suing out a warrant of execution against the body of any other person, under this Act, shall deposit with the clerk of the Court, at the time of the issue of the warrant, diet money for one week, after the rate of one anna and a half for each day, which shall be paid by the clerk to the keeper of the prison, at the time of the execution of the warrant.

LXIII. Notice of the execution of every such warrant shall be forthwith given to the person at whose suit it issued, who shall thereupon deposit with the keeper of the prison diet money for the remainder of the month in which the warrant is executed, after the same daily rate, and shall continue thereafter to deposit monthly with the said keeper, in advance, diet money at the same daily rate, for each month which the debtor is liable to be kept in prison at his suit.

LXIV. The diet money shall be employed for the subsistence of the prisoner; and if, by default of the detaining creditor, such diet money is not paid, the prisoner shall be entitled to his discharge by order of the Court.

LXV. All diet money which shall be spent in providing subsistence for any prisoner shall be costs in the cause; and all diet money which shall not be so spent shall be repaid to the creditor advancing the same.

LXVI. Whenever any prisoner shall offer good and reasonable security for payment of any debt or damage and costs, either in full or by instalments, as the Court shall think reasonable, the Court may order him to be discharged on giving such security.

LXVII. Upon payment of the debt, or damage and costs in full, the prisoner shall be entitled to be forthwith discharged.

LXVIII. If the debt or damage and costs are not paid, the imprisonment shall not extinguish the liability to pay the same; but all property then belonging to, or afterwards acquired by the prisoner, shall be liable to be taken in execution, after his discharge from prison, for satisfaction thereof or of so much thereof as is not paid, including the diet money actually expended for subsistence of the prisoner.

LXIX. Every bailiff, executing any process of execution, issuing out of the said Court, against the goods of any person, may, by virtue thereof, seize and take any of the goods of such person (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade), and may also seize and take any money or Bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

LXX. The bailiff shall forthwith deliver any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money which shall have been so seized or taken as aforesaid, to the clerk or other person appointed by the Judges to receive the same, who shall hold them as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff; and the plaintiff may sue, in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured or made payable thereby, when the time of payment thereof shall have arrived.

LXXI. If it shall at any time appear to the satisfaction of the Court that the defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, the Judges, in their discretion, may suspend or stay any judgment, order or execution given, made or issued in such action, for such time and on such terms as they shall think fit, and so from time to time, until it shall appear,

appear, by the like proof as aforesaid, that such temporary cause of disability has ceased.

ACTS of 1850.

LXXII. No sale of any goods which shall be taken in execution as aforesaid shall be made, until after the end of five days at least next following the day on which such goods have been so taken, unless such goods be of a perishable nature, or upon the request in writing of the party whose goods have been taken.

LXXIII. Until such sale, the goods shall be deposited by the bailiff, by whom they were taken, in some fit place, or they may remain in the custody of a fit person, approved by the Judges, to be put in possession by the bailiff.

LXXIV. The Judges from time to time, as they shall think proper, may appoint such and so many persons for keeping possession, and so many of their bailiffs, or other fit persons, to be sworn brokers and appraisers, for the purpose of selling or valuing any goods, chattels or effects taken in execution under this Act, as shall appear to them to be necessary, and may direct security to be taken from each of them for such sum, and in such manner as they shall think fit, for the faithful performance of their duties, without injury or oppression; and the Judges may dismiss any person, broker or appraiser so appointed.

LXXV. No goods taken in execution under this Act shall be sold for the purpose of satisfying the warrant of execution, except by one of the brokers or appraisers so appointed.

LXXVI. The costs to be demanded or taken for such appraisement and sale, shall be one anna in the rupee on the produce of the goods sold, and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council.

LXXVII. The clerk of the Court shall keep an account of all sums received upon such sales, distinguishing the amount paid to the party entitled to the benefit of the execution, and the amount levied and retained as costs; and also of all sums allowed to the brokers and appraisers upon such sales.

LXXVIII. Whenever any defendant against whom judgment shall have been given in the Court of Small Causes, shall go, before execution thereof, out of the jurisdiction of the Court, the Judge of any zillah or town where he shall be found, upon receiving from the plaintiff, either in person or by vakeel, an application in writing setting forth these facts, with a duly authenticated copy of the judgment of the Court, shall execute the said judgment in the manner prescribed by law for execution of his own decrees, unless the defendant shall allege any reasonable cause why the judgment should not be executed, and shall give security to such amount as the Judge of such zillah or town shall deem reasonable, that he will, within such time as shall be allowed him for that purpose, either satisfy the judgment, or produce a duly authenticated copy of an order of the Judges of the Court of Small Causes, discharging their former judgment.

LXXIX. No judgment or execution shall be stayed, delayed or reversed upon or by any writ of error or supersedeas thereon, to be sued for the reversing of any judgment given in any Court holden under the provisions of this Act, unless the amount recovered exceeds 100 rupees, and then only after the person suing out such writ shall become bound, with two sufficient sureties, to be approved by the clerk of the Court, in treble the sum adjudged to be recovered in the former judgment, to prosecute the said writ with effect, and also to satisfy and pay (if the writ be not prosecuted, or if the judgment be affirmed), the debt or damages and costs adjudged, and all costs and damages to be awarded for the delay of execution.

LXXX. Upon every warrant of execution issued against the goods and chattels of any person, the clerk of the Court shall cause to be stated the sum of money and costs adjudged, with the sum paid for such warrant; and if the party against whom such execution shall be issued, shall, before an actual sale of the goods and chattels, pay, or cause to be paid or tendered unto the clerk of the Court, or to the bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt, or damages and costs, together with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

LXXXI. The clerk of every Court holden under this Act shall cause a record of all summonses, and of all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the Court, to be

ACTS of 1850.

fairly entered from time to time in a book or books belonging to the Court, which shall be kept at the office of the Court, and shall be duly authenticated by one or more of the Judges; and such entries in the said book or books, or a copy thereof, bearing the seal of the Court, and purporting to be signed and certified as a true copy by the clerk of the Court, shall be admitted in all Courts and places as evidence of such entries, and of the proceeding referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

LXXXII. The clerk of every such Court shall, in the month of March in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for five years before the first day of the month of January then last past, specifying the names of the parties for whom or on whose account the same were so paid into Court, and a copy of such list shall be put up and remain, during Court hours, in some conspicuous part of the court-house, and at all times in the clerk's office; and all sums of money which shall have been paid into any such Court to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this Act, and which are now in the hands of any commissioner or officer of such Court, or otherwise held in trust for such suitors, and all further sums of money which shall hereafter be paid into such Court to the use of any suitor or suitors thereof, shall, if unclaimed for the period of six years after the same shall have been paid into Court, be applicable as part of the fees receivable on account of the Court, and shall be carried to the same account: and no person shall be entitled to claim any sum which shall have remained unclaimed for six years; but no time during which the person entitled to claim such sum shall have been an infant or married woman, or of unsound mind, or out of the territories under the government of the East India Company, shall be taken into account, in estimating the said period of six years.

LXXXIII. If any person shall wilfully insult any Judge, clerk or officer of the said Court for the time being, during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any bailiff or officer of the Court, with or without the assistance of any other person, by the order of the Judges, to take such offender into custody, and detain him until the rising of the Court; and the Judges shall be empowered, if they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time not exceeding seven days, or to impose upon any such offender a fine not exceeding 50 rupees for every such offence; and in default of payment thereof, to commit the offender to any such prison as aforesaid for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act, may cause the offender to be indicted in the Supreme Court, if the offence be an indictable misdemeanor.

LXXXIV. If any officer or bailiff of any Court holden under this Act shall be assaulted while in the execution of his duty, or if any rescue shall be made, or attempted to be made, of any person arrested, or goods levied under process of the Court, the person so offending shall be liable to a fine not exceeding 100 rupees, to be recovered by order of the Court, or before a magistrate, as hereinafter provided; and the bailiff of the Court, or any peace officer in any such case, may take the offender into custody (with or without warrant), and bring him before such Court or magistrate accordingly.

LXXXV. If any bailiff of the said Court, who shall be employed to execute any warrant of the Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance or omission (and the fact alleged being proved to the satisfaction of the Court), the Judges shall order the bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered

recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

ACTS of 1850.

LXXXVI. If any clerk, bailiff or officer of the Court acting under colour or pretence of the process of the said Court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Judges may inquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties, in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs as they shall think just; and also, if they shall think fit, may impose such fine upon the clerk, bailiff or officer, not exceeding 100 rupees for each offence, as they shall deem adequate; and, in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

LXXXVII. Every clerk, bailiff or other officer employed in putting this Act or any of the powers thereof in execution, who shall wilfully and corruptly exact, take or accept any fee or reward whatsoever, other than his lawful salary, for anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon proof thereof before the said Court, and in the case of a clerk, on confirmation of the finding of the Court by the Governor in Council, be for ever incapable of serving or being employed under this Act, in any office of profit or emolument, and shall also be liable for damages as herein provided.

LXXXVIII. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any Court holden under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the clerk of the Court, upon application of the officer charged with the execution of such process, as well before as after any action brought against such officer, may issue a summons, calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action which shall have been brought in the Supreme Court, in respect of such claim, shall be stayed; and any Judge of the Supreme Court, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the Court of Small Causes, and the Judges of the Court of Small Causes shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

LXXXIX. The powers of Act VII., 1847, to regulate distresses for small rents in Calcutta, shall be extended to the recovery of all arrears of rent not exceeding 500 rupees, and the Judges of every Court of Small Causes under this Act shall be empowered to exercise within their several jurisdictions the extended powers of the said Act; and the said Act shall be construed as if, instead of Calcutta and the settlement of Fort William, in Bengal, the limits of the jurisdiction of the Court had been therein mentioned; and the Judges of the Court of Small Causes under this Act, instead of the Commissioners of the Court therein mentioned, and the amount of 500 rupees instead of 100 rupees, and the forms contained in the Schedule annexed to the said Act, shall be altered accordingly, and shall refer to this Act instead of Act VII. 1847.

XC. The affidavit of arrear required by the said Act, No. VII. 1847, may, in every case, be made either by the person entitled to such arrear, or by his or her lawfully constituted attorney, and a warrant of distress may issue on such affidavit.

XCI. Where any person shall hold or occupy any house, land or tenement, of which the value or the rent payable in respect thereof does not exceed the rate of 500 rupees by the year, without leave of the owner, or under a lease or agreement which is ended or duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, the owner or his agent may take out

ACTS of 1850.

out a summons from the Court, directed to such tenant or occupier, to show by what title he claims to hold or occupy the premises, or part thereof.

XCII. If the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof of which he is then in possession, to the said owner or his agent, such owner or agent may give to the Court proof of the holding, and of the end or other determination of the tenancy, if any had existed, with the time or manner thereof, and of the right by which he claims the possession.

XCIII. Upon proof of due service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, the Judges may issue a warrant under the seal of the Court, to any bailiff of the Court, requiring and authorizing him within a period to be therein named, not less than seven, or more than ten clear days from the date of such warrant, to give possession of the premises to such owner or agent, and such warrant shall be a sufficient warrant to the said bailiff to enter upon the premises, with such assistants as he shall deem necessary, and to give possession accordingly: Provided always, that entry upon any such warrant shall not be made on a Sunday, Good Friday or Christmas-day, or any other day observed by the Court as a holiday, or at any time except between the hours of Six in the morning and Six in the afternoon; provided also, that nothing herein contained shall be deemed to protect any person by whom any such warrant should be sued out of the Court of Small Causes, from any action which may be brought against him by any such tenant or occupier for such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises.

XCIV. Such summons, as last aforesaid, may be served either personally or, by leave of the Court, upon proof that the tenant or occupier is not to be found within the jurisdiction of the Court, by leaving the same with some person being in, and apparently residing at the place of abode of the person or persons so holding over as aforesaid; or if the place of abode of such person or persons shall either not be known, or admission thereto cannot be obtained for serving such summons, by posting the said summons on some conspicuous part of the premises so held over.

XCV. No action or prosecution shall be maintainable against the Judges or against the clerk of the Court by whom such warrant as aforesaid shall have been issued, or against any bailiff or other person by whom such warrant may be executed or summons affixed, for issuing such warrant, or executing the same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

XCVI. Where the owner, at the time of applying for such warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said owner nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case, for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage, with costs of suit; provided, that if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved, but assessed at any sum not exceeding ten rupees, the plaintiff shall recover no more costs than damages, unless the Judge before whom the trial shall have been holden, shall certify that in his opinion full costs ought to be allowed.

XCVII. In every case in which the person by whom any such warrant shall be sued out of the Court of Small Causes, had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant as last aforesaid shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound with two sufficient sureties, to be approved by the clerk of the Court, in such sum as to the Judges shall seem reasonable, regard being had to the value of the premises and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay all the costs of the proceeding in such action, in case a verdict shall pass for the defendant, or the plaintiff shall

discontinue

discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be stayed until judgment shall have been given in such action of trespass; and if, upon the trial of such action of trespass, judgment be given for the plaintiff, such judgment shall supersede the said warrant. ACTS of 1850.

XCVIII. Recovery of the possession of any such house, land or tenement shall be no bar to the institution of a regular suit for trying the title thereunto which may be brought in the Supreme Court as if this Act had not been passed.

XCIX. Every bond given on the removal of any action out of the Court of Small Causes, or upon staying, delaying or reversing any judgment or execution awarded therein, or the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit, shall be made to the other party to the action, and shall be approved by the Judges and attested under the seal of the Court; and if the bond so taken be forfeited, or if, upon the proceeding for securing which such bond was given, the Judge before whom such proceeding shall be had shall not certify upon the record in Court that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action of debt and recover thereon: Provided always, that the Court in which such action as last aforesaid shall be brought may, by a rule of Court, give such relief to the parties liable upon such bond as may appear to him reasonable, and such rule shall have the nature and effect of a defeasance to such bond.

C. All actions and proceedings which, before the passing of this Act, might have been brought in the Supreme Court, where any officer of the Court of Small Causes shall be a party, except in respect of any claim to any goods and chattels taken in execution of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed.

CI. If any action shall be commenced, after the passing of this Act, in the Supreme Court, for any cause other than those lastly hereinbefore specified, for which a summons might have been taken out from a Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than 500 rupees, if the said action is founded on contract, or less than 100 rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only, and no costs; and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between attorney and client, unless, in either case, the Judge who shall try the cause shall certify on the back of the record that, by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision on like cases in the Court of Small Causes, the action was fit to be brought in the Supreme Court.

CII. If any person shall bring any suit in the Supreme Court in respect of any grievance committed by the clerk, bailiff or officer of any Court holden under this Act, under colour or pretence of the process of the said Court, and upon the trial of the action, no greater damages shall be found for the plaintiff than the sum of 500 rupees, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the record, that the action was fit to be brought in the Supreme Court.

CIII. All penalties, fines and forfeitures by this Act inflicted or authorized to be imposed (the manner of recovering and applying whereof is not hereby otherwise particularly directed), upon proof before any Justice of the Peace or magistrate having jurisdiction where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending, or by the oath or affirmation of any credible witness, shall be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such justice or magistrate, and the overplus (if any) after such penalties, fines, and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner of such goods and chattels.

ACTS of 1850.

CIV. If any such penalties, fines and forfeitures, respectively, shall not be paid forthwith upon conviction, it shall be lawful for such justice or magistrate to order the offender so convicted to be detained in safe custody until return can conveniently be made to such warrant of distress, unless such offender shall give sufficient security to the satisfaction of such justice or magistrate for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security the justice or magistrate shall be empowered to take by way of recognizance or otherwise, as to him shall seem fit.

CV. If, upon return of such warrant, it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of the justice or magistrate, either by confession of the offender or otherwise, that he hath not, within the jurisdiction of such justice or magistrate, sufficient goods and chattels whereon to levy all such penalties, forfeitures, costs and charges, the justice or magistrate may, at his discretion, without issuing any warrant of distress, commit the offender to the common gaol or House of Correction, for any time not exceeding three calendar months, unless such penalties, forfeitures and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

CVI. The monies arising from any such penalties, forfeitures and fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be, from time to time, paid to the clerk of the Court, and shall be applied in like manner as the fees thereof.

CVII. In all cases in which, by this Act, any penalty or forfeiture is made recoverable before a justice or magistrate, he may summon before him the party complained against, and on such summons may hear and determine the matter of such complaint, and, on proof of the offence, may convict the offender and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited before him; and all such proceedings by summons, without information in writing, shall be as valid and effectual to all intents and purposes as if an information in writing had been exhibited.

CVIII. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following (that is to say) :—“ Be it remembered that on this day of _____ in the year _____ A. B. is convicted before _____ a Magistrate for the _____ (or before a Judge appointed under Act IX. 1850) of having (state the offence); and I (or we) the said _____ do adjudge the said _____ to forfeit and pay for the same the sum of _____ [or to be committed to _____ for the space of _____]. Given under _____ hand (_____) and seal (_____) the day and year aforesaid.”

CIX. No order, verdict or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

CX. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

CXI. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before

before such action is brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the defendant. ACTS of 1830.

SCHEDULE OF FEES.

Sums not above			Every Summons or Subpoena.		Warrant.	
Rs.			Rs.	Ans.	Rs.	Ans.
10	-	-	0	2	0	2
20	-	-	0	4	0	4
50	-	-	0	8	0	8
100	-	-	1	0	1	0
200	-	-	1	4	2	0
300	-	-	1	8	3	0
400	-	-	1	12	4	0
500	-	-	2	0	5	0

ACT No. X. of 1850.

Passed by the Governor-General of India in Council, on the 15th of March 1850.

AN ACT to declare Aden a free Port.

WHEREAS the trade between the Western Coast of India and the Red Sea and places thereunto adjacent will be improved by encouraging the resort of vessels of all nations to the Port of Aden in Arabia; It is declared and enacted as follows:

I. The port and settlement of Aden in Arabia, is a free port and settlement; and no duty of customs is payable there on any ship or other vessel, or on any goods lawfully carried by sea or land to or from the said port and settlement.

II. The said port of Aden shall not be taken to be within the provisions of Act VI. 1848.

ACT No. XI. of 1850.

Passed by the Governor-General of India in Council, on the 15th March 1850.

AN ACT to amend Act X. 1841.

FOR amendment of Act X. 1841; It is enacted as follows:

I. Section 13 of Act X. 1841, is repealed.

II. The passes which, under section 24 of the said Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship or vessel built within the dominions of a native prince or state in subordinate alliance with, or having subsidiary treaties with the East India Company, may, after the passing of this Act, be issued in the like cases, and under the same restrictions, to any ship or vessel belonging to any such native prince or state, or their subjects, wherever the same may have been built.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under Act X. 1841, or owned by such native princes or states, or by their subjects entitled to passes under Act X. 1841, as amended by this Act, employed only in coasting voyages, or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each Presidency.

ACTS of 1850.

IV. The owners of coasting vessels, registered under section 3 of this Act, shall pay for each certificate of registry,

For a vessel not exceeding the burthen of four tons, one rupee.
 Exceeding four tons and not exceeding 20 tons, five rupees.
 Exceeding 20 tons and not exceeding 80 tons, seven rupees.
 Exceeding 80 tons, for each ton, two annas.

Which fees shall be carried to the credit of the government of the Presidency in which they are levied.

V. This Act shall be construed with and as part of Act X. 1841.

ACT No. XII. OF 1850.

Passed by the Governor-general of India in Council, on the 22d March 1850.

For avoiding Loss by the default of Public Accountants.

FOR better avoidance of loss through the default of public accountants; It is enacted as follows :

I. Every public accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control by reason of his office.

II. In default of any Act having special reference to the office of any public accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the office) as shall be required by any rules made or to be made from time to time, by the authority by which each public accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the Presidency or place.

III. Every person is a public accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East India Company is entrusted with the receipt, custody or control of any monies or securities for money, or the management of any lands belonging to the East India Company, or as official assignee or trustee, or as surberakar, or in any other official capacity, with the receipt, custody or control of any monies or securities for money, or the management of any lands belonging to any other person or persons.

IV. The person or persons at the head of the office to which any public accountant belongs, may proceed against any such public accountant and his sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such public accountant.

VI. All sales of estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any public accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such estates had been sold under authority of this Act, and no further or otherwise.

ACT No. XIII of 1850.

Passed by the Governor-General of India in Council, on the 22d March 1850.

For punishing Breaches of Trust.

For the punishment of Breaches of Trust; It is enacted, as follows:

I. Every person employed in the public service of Her Majesty, or of the East India Company, and entrusted, by reason of such employment, with the receipt, custody or control of any chattel, money or valuable security, who shall embezzle the same, or any part thereof, or in any manner fraudulently apply, use or dispose of the same, or any part thereof for any purpose other than a purpose to which the same is applicable under the trust reposed in him, shall be deemed to have feloniously stolen the same.

II. All official trustees, assignees and receivers of money, by virtue of their several offices or appointments, all justices of the peace, coroners and other persons, receiving, by virtue of their offices or appointments, any fines, forfeitures, penalties or other monies, on behalf of Her Majesty or of the East India Company, all sheriffs, under-sheriffs, bailiffs, officers and other persons employed to levy, money in execution of the judgment or order of any Court, or in receiving any taxes or other monies directed to be levied by any Regulation of the Governor or Governor in Council of any Presidency or place, or by any Act of the Governor-general of India in Council, and also all subordinate officers and servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in the course of such employment, are declared to be persons employed in the public service within the meaning of this Act; but this special enumeration of some of the persons included in the general description of persons in the public service of Her Majesty or the East India Company, shall not be taken to abridge the meaning of that general description.

III. The Clauses respectively numbered 99, 100, 101, 102, 103 and 104, in an Act of Parliament passed in the ninth year of the reign of King George the Fourth, intituled, "An Act for improving the Administration of Criminal Justice in the East Indies," are repealed, except as to all things done or forborne to be done before the passing of this Act.

IV. Every clerk or servant who shall steal any chattel, money or valuable security belonging to, or in the possession or power of his master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

V. Every clerk or servant, or any person employed for the purpose, or in the capacity of a clerk or servant, who shall, by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his master, although such chattel, money or security was not received into the possession of his master otherwise than by the actual possession of his clerk, servant or other person so employed.

VI. Every member and officer of a trading corporation or company, and also every banker, merchant, factor, broker, attorney or other agent, whether he be commonly so employed, or be employed as an agent in that instance only, and whether he act as such agent gratuitously or otherwise, to whom any chattel, money or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel or valuable security, or of any part thereof, or of the proceeds, or of any part of the proceeds thereof, who shall fraudulently apply, use or dispose of the same, or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

ACTS of 1850.

VII. Every sub-agent, clerk or servant of any such trading corporation or company, or of any banker, merchant, factor, broker or agent as aforesaid, who knowing the purpose for which chattel, money or valuable security was entrusted to the corporation, company, person or persons by whom he is employed, shall fraudulently apply, use or dispose of the same, for any purpose other than a purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same, though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

VIII. Every person possessed, or having the receipt, custody or control of any chattel, money or valuable security, in trust for any other person or persons, who shall embezzle the same, or any part thereof, or in any manner fraudulently apply, use or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

IX. Every person convicted of having feloniously stolen any chattel, money or valuable security under this Act, shall be liable to be transported out of the territories under the Government of the East India Company for life, or to be imprisoned with or without labour for any term not exceeding seven years.

X. Every instrument entitling or showing the title of any person to any share or interest in any public stock or fund of any country or state, or in any stock of any corporation or company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or showing the title to any deposit in any bank; and every warrant, order or instrument for the payment of any money on any event, certain or contingent, or for the delivery or receipt of any goods or merchandize on any such event, is a valuable security within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement, or fraudulent application, use or disposition as aforesaid, committed by him within six calendar months, from the first to the last of such acts; and proof of a gross deficiency in the accounts of any such trustee or public servant, shall be evidence of the offence charged, until such deficiency is otherwise explained.

XII. If the offence relates to money, or to any bank note, bank post bill, banker's cheque, bill of exchange, promissory note, government paper, or other like security, for the payment of money, it shall be enough in the indictment or charge, to allege the embezzlement, or fraudulent application, use or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled, or fraudulently applied, used or disposed of any amount of money, or any valuable security, though the particular kind of coin or valuable security of which such amount was composed, shall not be proved.

XIII. It shall not be necessary in any proceeding against any offender under this Act, to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs, otherwise than hereinafter provided, or to give any other description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use or disposition by a person in the public service of the Crown, or of the East India Company, of property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment, and embezzled the same, or part thereof, or fraudulently applied, used or disposed of the same, as the case may be; and, if the case be one of fraudulent application, use or disposition by any person not being such public servant but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid), and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used or disposed of the same contrary to his duty in that behalf.

XIV. The Court before which any offender is tried under this Act shall have power upon the trial to make any amendments that may be necessary, by reason
of

of any variance between the statements of the charge and the evidence, either in the description of the property, or of any person, or of any office, appointment or employment, or of the purpose of the trust or otherwise, when in the opinion of the Court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

ACTS of 1850.

XV. Every offender under this Act may be tried and punished by any Court of competent jurisdiction, either in the place where he is in custody, or where he committed the offence.

XVI. The punishment of any offender under this Act shall not be deemed to take away or lessen his liability or the liability of his sureties to make good any loss sustained by Her Majesty or the East India Company, or any other person or persons, by his misbehaviour or breach of trust.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the Court, although no actual embezzlement or fraudulent application, use or disposition of trust monies, chattels or valuable securities is proved against him, and, in addition to such fine, may be imprisoned, with or without labour, as the Court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trust as aforesaid shall be punished also for making up false accounts in connexion with the same breach of trust.

ACT No. XIV. OF 1850.

Passed by the Governor-General of India in Council on the 22d March 1850.

AN Act for assimilating the Penal Jurisdiction of Police Magistrates at the Straits' Settlements to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts XXI. 1839, and III. 1842, to the Straits' Settlements, and to remove doubts whether Act III. 1844, is in force there; It is declared and enacted as follows:

I. All powers given by Act XXI. 1839, or Act III. 1842, to any Justice of the Peace for the town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies within the town of Calcutta, and of assaults on board of merchant ships, in the River Hooghly, may be exercised by any Magistrate or Justice of the Peace of the settlements of Prince of Wales' Island, Singapore and Malacca, for the trial and punishment of the like larcenies, felonies and assaults within the said settlements respectively, and the like assaults on board of any merchant ship in the roads belonging to the said settlements respectively.

II. In execution of the powers of the said Acts, by any Magistrate or Justice of the Peace for any of the said settlements, the said Acts shall be read as if the said settlement and the Recorder's Court there were severally mentioned therein, instead of the town of Calcutta and Supreme Court of Justice at Calcutta, and as if the said settlement and the roads thereof were mentioned therein, instead of the River Hooghly or the mouths thereof; and in construing the said Acts and this Act, two rupees shall be deemed equivalent to one dollar.

III. Act III. 1844, is in force within the said settlements; and any Magistrate or Justice of the Peace there shall be deemed a Magistrate within the meaning of that Act.

IV. Any Magistrate or Justice of the Peace for any of the said settlements may punish any person who, having been lawfully summoned to give evidence in any criminal proceeding before any Magistrate or Justice of the Peace for the same settlement, shall refuse, or, without reasonable cause, neglect to attend and give evidence, by a fine not exceeding 100 rupees, to be levied as directed by Act II. 1839.

ACTS of 1850.

ACT No. XV. OF 1850.

Passed by the Governor-General of India in Council, on the 4th of April 1850.

AN ACT to extend the Operation of Sections 10 and 12, Regulation XXVI. 1814, of the Bengal Code.

WHEREAS it is expedient for the better administration of justice to extend the provisions of Section 10, Regulation XXVI. 1814, and make them applicable to suits instituted in the Courts of the Moonsiffs; It is enacted as follows:

I. From the passing of this Act, Sections 10 and 12, Regulation XXVI. 1814, shall be applicable to all suits instituted in the Courts of the Moonsiffs, in the Presidency of Fort William, in Bengal.

II. The provisions of Act XII. 1843, shall apply to all points which the Court shall record as the points to be established, or on which proof is required by the Court, according to Section 10, Regulation XXVI. 1814, and to this Act.

ACT No. XVI. OF 1850.

Passed by the Governor-General of India in Council, on the 4th of April 1850.

AN ACT for Restitution of the Value of Stolen Property.

WHEREAS it is expedient that the several Criminal Courts within the territories under the government of the East India Company be empowered to add the punishment of fine to the punishments already provided for persons convicted before them of certain offences respecting property, and to apply the same for the benefit of those who have suffered by such offences; It is declared and enacted as follows:

I. All Criminal Courts within the said territories may add to the punishment competent to them to inflict upon persons convicted before them of robbery, theft, embezzlement, knowingly receiving stolen goods, cheating or other wrongful appropriation of property, or of being accessory or privy to any such offence, the punishment of fine, not exceeding the loss appearing to be caused to the several persons who have suffered by such wrong; and may pay and distribute the proceeds of the said fine, or any part thereof, to or for the benefit of the said several persons, according to the discretion of the Court.

II. Payment of every such fine be enforced by distress and sale, under the order of the Court, of the goods of the offender.

ACT No. XVII. OF 1850.

Passed by the Governor-General of India in Council, on the 4th April 1850.

AN ACT for taking Land in Bombay and Colaba for Public Purposes.

For enlarging the powers of Act XXVIII. 1839, for taking any ground within the Islands of Bombay and Colaba, for any new public road or thoroughfare, for the purpose of enabling the Government to take land needed for any railway for the conveyance of goods or passengers within the said islands, the construction of which may be sanctioned by Parliament or by the Government of India, and for other public purposes; It is enacted as follows:

I. Sections 15 to 21, both inclusive, of Act XXVIII. 1839, shall extend to enable the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, to take any ground or building within the Islands of Bombay and Colaba which may be needed by the Governor of Bombay in Council for any railway for the conveyance of goods or passengers, the construction of which is or shall be sanctioned by Parliament, or by the Government of India, or for any other purpose which shall be declared to be a purpose of public utility by the said Governor in Council; and thereupon the East India Company shall become and be the legal owners of the said ground or building, and every other person theretofore interested in the premises shall be divested of all right, title and interest to and in the same.

ACT

Passed by the Governor-General of India in Council, on the 4th April 1850.

AN ACT for the protection of Judicial Officers.

For the greater protection of Magistrates and others acting judicially; It is enacted as follows:

I. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially, shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially, shall be liable to be sued in any Civil Court, for the execution of any warrant or order which he would be bound to execute, if within the jurisdiction of the person issuing the same.

ACT No. XIX. OF 1850.

Passed by the Governor-General of India in Council, on the 11th April 1850.

Concerning the Binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood; It is enacted as follows:

I. Any child, above the age of 10 and under the age of 18 years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of 21 years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any magistrate or justice of the peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him or any other magistrate of vagrancy, or the commission of any petty offence.

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the governors, directors or managers thereof, as his or her guardians for this purpose.

V. Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any registered ship belonging to and trading from any port in the territories under the government of the East India Company, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.

VI. Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

VII. The master or commander of any ship in which an apprentice bound to the sea-service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or to the like effect, which

ACTS of 1850.

shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of 14 years or more at the time of binding; but, when the apprentice is bound by the governors, directors or managers of a public charity, the signature of two of them, or of their secretary or officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the chief magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the hand-writing of the magistrate or registering officer.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract, or their personal representatives, and with the consent of the apprentice, if he is above the age of 14 years; provided, that the changes agreed to, or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section 8, of this Act; and the magistrate or registering officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of 14 years, assign such apprentice to any other person who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided, that such person shall, by endorsement under his own hand, on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively; and every such assignment shall be certified on the office copies of the contract under the hand of the magistrate or registering officer, according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any magistrate in the said territories, by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the complaint, and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than 50 rupees was paid, not exceeding 200 rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour given to any apprentice by his master, or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled, shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon

XV. Upon complaint made to any magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison, or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the magistrate shall order; and if the offender be a boy of not more than 14 years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the magistrate deem any such punishment unfit, he may pass an order, empowering the master of the apprentice, or his agent, to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice, and of his father or guardian, if the charge is not proved; and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the magistrate seems fit, on consideration of the case; and all sums so refunded shall be applied, under the direction of the magistrate, for behoof of the apprentice.

XVII. The magistrate may order any sum recovered for behoof of the apprentice, on cancelling the contract, to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the said territories; and no magistrate shall entertain a complaint on the part of an apprentice against his master, or the agent of his master, under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at a port or place in the said territories.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased, to the person or persons who shall have paid the same, unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract: in which case, the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship; and also on the office copies thereof, by the magistrate or registering officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him; provided that during such three months, such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

XXII. The apprentice of any person against whom a commission of bankruptcy shall be issued, or who shall be adjudged to have committed an act of insolvency

ACTS of 1850.

insolvency during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and if any premium was paid on binding him as an apprentice, he, or the person by whom he was bound, shall be entitled to claim the amount thereof, as a debt against the estate of the bankrupt or insolvent.

XXIII. For the purposes of this Act, all British subjects, wherever or of whatever parents born, as well as other persons in the territories under the Government of the East India Company, without the towns of Calcutta and Madras, and the town and island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

XXIV. An appeal shall lie from any order passed by any magistrate without the said towns and island, to the Court of Session to which such magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he," shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE (A.)

FORM OF AGREEMENT.

THIS Agreement, made the _____ day of _____, in the year _____, between A. B. of _____, and C. D., of _____, witnesseth, that the said A. B. doth this day bind E. F., a boy (or girl) of the age of _____ years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for _____ years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly and obediently in all things towards the said C. D. and his (or her) family. And the said C. D. for himself (or herself), and his (or her) executors and administrators, in consideration [of the premium or sum of _____ paid by the said A. B. to the said C. D., the receipt whereof the words between brackets may be omitted.] said C. D. hereby acknowledges, and] of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a _____ during the said term; and will also, during the said term, find and allow unto the said apprentice, good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary, fit and reasonable for an apprentice; (and further, here insert any special covenants.)

In witness whereof the parties have hereunto set their hands and seals, the day and year above written.

A. B. (L. s.)
C. D. (L. s.)

SCHEDULE (B.)

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the Agreement.)

BE it known to all men, that on the _____ day of _____ in the year _____, personally appeared before G. H., Magistrate of _____, C. D., of _____, with E. F., his (or her) apprentice, and J. K., of _____, and desired that the agreement of apprenticeship, whereby

whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the

ACTS of 1850.

If E. F. is not above the age of 14 years, the words between brackets may be omitted. consent of [the said E. F. and of] all persons whose consent thereunto by law is required, doth allow such assignment; and the contract of apprenticeship whereby the said E. F. was on the day of , in the year , bound to the said C. D., as an apprentice, to learn the trade (craft or employment) of a , shall henceforth endure unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself), his (or her) executors or administrators, to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have herèunto set their hands before me, the day and year above written.

G. H., Magistrate.

ACT No. XX. of 1850.

Passed by the Governor-General of India in Council, on the 11th April 1850.

AN ACT for settling the Boundaries of the Tributary Mehals in Cuttack.

WHEREAS certain jungle or hill zemindaries in the zillah of Cuttack, enumerated in Section 36, of Regulation XII, 1805, of the Bengal Code, and the territory of Mohurbunge, in the same zillah, were temporarily exempted by the said Regulation from the Regulations relating to the settlement and collection of the public revenue, and by Regulation XIII. 1805, of the Bengal Code, were temporarily exempted from the Laws and Regulations for the maintenance of the police, and for the administration of justice in criminal cases; and whereas doubts have been entertained how disputes as to the boundaries of the said zemindaries are to be determined; It is enacted as follows:

I. Every case in which the boundaries between any of the said zemindaries, or the zillahs of Boad and Atmullick, and an estate subject to the Regulations of the Bengal Code, shall be in dispute, shall be heard, tried and determined in the first instance by the Superintendent of the Tributary Mehals, in zillah Cuttack, according to such instructions as he shall, from time to time, receive from the Governor of Bengal, and his award, when confirmed by the Governor of Bengal, shall be final and conclusive, and shall be carried into execution by the Superintendent of Tributary Mehals, by giving possession of the land in dispute to the parties entitled under his award.

ACT No. XXI. of 1850.

Passed by the Governor-General of India in Council, on the 11th April 1850.

AN ACT for extending the Principle of Section 9, Regulation VII. 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company.

WHEREAS it is enacted by Section 9, Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahomedan persuasion; or where one or more of the parties to the suit shall not be either of the Mahomedan or Hindoo persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property

ACTS of 1850.

to which, but for the operation of such laws, they would have been entitled :” and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the government of the East India Company ; It is enacted as follows :

I. So much of any law or usage now in force within the territories subject to the government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.

ACT No. XXII. of 1850.

Passed by the Governor-General of India in Council, on the 13th April 1850.

AN ACT for providing for the exercise of certain Powers by the Governor-General during his Absence from the Council of India.

WHEREAS it is expedient that the Governor-general should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India ; It is enacted as follows :

I. During the absence of the Governor-general from the Council of India, it shall be lawful for the Governor-general alone to exercise all the powers which may be exercised by the Governor-general in Council, except such powers as may by a resolution of the Governor-general in Council be exercised by the President in Council during the absence of the Governor-general, and except the power of making laws and regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor-general has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. XXIII. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 8th June 1850, with the assent of the most Noble the Governor-General of India.

AN ACT for securing the Land Revenue of Calcutta.

WHEREAS it is expedient that the Land Revenue accruing due to the East India Company within Calcutta, be ascertained and collected in as summary a manner as in other parts of the territories under the government of the East India Company ; It is declared and enacted as follows :

I. All assessable lands, not the property of the East India Company, within the town of Calcutta, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rate of three annas for each cottah.

II. Lakhiraj tenures of land in Calcutta, of which uninterrupted possession has been held exempt from assessment for 60 years, shall be valid ; no other lakhiraj tenures of Land in Calcutta shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. If any owner of land within Calcutta, or any person holding land within Calcutta on lease from the East India Company shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the land is assessed, or for which he is liable under his lease, the Collector may levy the same by distress and sale of the goods and chattels wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier, and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distress for small rents in Calcutta by Act VII. 1847 ; and, for the purpose of any such distress and sale, the Collector shall have all the powers of a Commissioner of the

the Court for Recovery of Small Debts referred to in the said Act, and the Collector shall have power to appoint any of his officers to perform the duties of bailiffs and appraisers, and of the chief clerk of the said Court, as provided by the said Act, and all the provisions of the said Act relating to the said Commissioners and their Court, shall be deemed to apply to the said Collector and his office in the execution of this Act.

IV. In the case of payment by any tenant or occupier, not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

V. The claim of the East India Company for land revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

VI. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

VII. Arrears of rent or revenue which shall become due to the East India Company within the town of Calcutta, after the passing of this Act, shall be recoverable at any time within six years next after the same are due, or next after an acknowledgement of the same in writing has been given by the person by whom the same is payable or his agent, and not afterwards.

VIII. When a claim to hold land lakhiraj, or free of assessment, shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer, or the public records supply, and shall report his proceedings and decision in the case for the consideration of the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of the claim, he shall direct the collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts as herein provided.

IX. Any person obstructing or molesting the Collector, or any of his subordinate officers in the execution of their duty, shall, on conviction before a magistrate of the town of Calcutta, be liable to a fine not exceeding 500 rupees, and in default of payment to imprisonment in the common gaol for a term not exceeding six months, or until the fine is sooner paid.

X. The Collector may punish any contempt committed in his presence, in open cutcherry or office, by fine not exceeding 200 rupees, and in default of payment by imprisonment in the common gaol for a term not exceeding one month; from every such order, or fine or imprisonment, an appeal shall lie to the Commissioner, whose decision shall be final.

XI. The Collector shall act in the execution of this Act under the usual control of the superior revenue authorities.

XII. The ground-rents payable to the East India Company from lands in Calcutta are revenue, within the meaning of the Act of Parliament 21 Geo. 3, c. 70, and the Supreme Court of Judicature established by Royal Charter at Fort William in Bengal has not any civil jurisdiction concerning the said ground-rents, or concerning anything ordered or done in the assessment or collection thereof.

XIII. All actions concerning any trespass or injury committed by any revenue officer acting under colour of this Act, or concerning any claim in respect of any goods taken by or any monies paid to any revenue officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company at the Sudder station of the Twenty-four Pergunnahs; notwithstanding that the cause of action, in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the town of Calcutta; and every such action shall be brought within six months after the cause of action arose, and not afterwards.

XIV. The words "Collector" and "Commissioner" used in this Act, shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively.

ACTS of 1850.

ACT No. XXIV. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 8th June 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for better defining the special Duty levied on Tobacco in Bombay.

WHEREAS the laws in force respecting the special duty payable on tobacco imported into Bombay are obscure, and require to be explained and amended; It is declared and enacted as follows :

I. Regulations XXXIII. 1827, and XV. 1828, of the Bombay Code, and so much of Act I. 1838, as relates to the customary or special duty levied on the import of tobacco into the Island of Bombay, are rescinded and repealed.

II. All tobacco imported into the Island of Bombay, either by sea or across any of the causeways, from whatever port or place it is brought, is and shall continue to be liable to the payment of a special duty levied at the rate of seven rupees and eight annas for the Indian maund, which duty shall be paid over and above the customary duty of one rupee and eight annas, at the option of the importer, either on importation, or, after being warehoused in the custom-house warehouse, on being delivered out for internal consumption.

III. No drawback of the said duty shall be allowed on exportation, unless the tobacco has been warehoused in and is exported direct from the custom-house warehouse; in which case a drawback of the whole of the special duty shall be allowed, if claimed at the time of re-exportation.

IV. This Act shall not be taken to affect the provisions and penalties of any Act or Regulation for enforcing payment of the special duty, which shall continue in force for compelling payment of the duty as declared payable by this Act, and for punishing any evasion of such payment.

ACT No. XXV. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 14th June 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for the Forfeiture to Government of Deposits made on incomplete Sales of Land under Regulation VIII. 1819, and Act IV. 1846.

WHEREAS putneedars and judgment debtors fraudulently avail themselves of the provision in section 9, Regulation VIII. 1819, of the Bengal Code, and in section 5, Act IV. 1846, that forfeited deposits at sales of land in execution of decrees or for arrears of rent shall be applied as if they were purchase-money; It is enacted as follows :

I. So much of section 9, Regulation VIII. 1819, of the Bengal Code, and of sections 5 and 9, Act IV. 1846, as provides that the deposit at any sale of land, or any interest in land, under the said Regulation or Act, if forfeited, shall be regarded as part of the proceeds of the sale, or applied as if it were purchase-money, is repealed.

II. Any such forfeited deposit shall be applied to defray the expenses of the sale, and the surplus shall be forfeited to Government.

ACT No. XXVI. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 21st June 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT to enable Improvements to be made in Towns.

WHEREAS Act X. 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the Presidency of Fort William, not within the town of Calcutta, to make better provision for purposes connected with public

public health and convenience ; but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of towns in the other Presidencies under the government of the East India Company ; It is enacted as follows :

I. Act X. 1842, is repealed.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant-governor of any Presidency or place within the territories under the government of the East India Company, that the inhabitants of any town or suburb, not within the town of Calcutta, Madras or Bombay, are desirous of making better provision for making, repairing, cleaning, lighting or watching any public streets, roads, drains or tanks, or for the prevention of nuisances, or for improving the said town or suburb in any other manner, the said Governor or Governor in Council, or Lieutenant-governor, may order this Act to be put in force within such town or suburb.

III. Whenever any application shall be made to the Government for putting this Act in force in any town or suburb, notice thereof shall be given in the "Government Gazette" of the Presidency or place, and also by proclamation within such town or suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes, or any of them.

IV. The Governor or Governor in Council, or Lieutenant-governor, shall take all such declarations into due consideration ; and after the time allowed for receiving the same, shall make a final order, which shall be published in the "Government Gazette," and also notified by proclamation within such town or suburb, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly or in respect to one or more of the purposes in respect of which it is made ; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such town or suburb, for such purposes only as shall be mentioned in the order.

V. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said town or suburb for such purposes as are mentioned in the order, and the making and publication of the said order shall be conclusive evidence that the provisions of this Act has been complied with, and that it is thenceforth in force within the said town or suburb, for such purposes as are mentioned in the order.

VI. Whenever this Act shall come into force in any town or suburb, the Governor or Governor in Council, or Lieutenant-governor, shall appoint the magistrate, and such number of the inhabitants thereof, as to him shall appear necessary, to be Commissioners for putting the Act in force, and shall give authority to them to prepare rules for more effectually accomplishing the purposes for which they are appointed ; which rules, when approved by the Governor or Governor in Council, or Lieutenant-governor, shall be of the same force within the said town or suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act ; and the said Governor or Governor in Council, or Lieutenant-governor, may remove any of the Commissioners, and appoint others, and may fill up vacancies occurring among the Commissioners, in such manner as may seem to him fit.

VII. The rules to be prepared by the said Commissioners shall provide, among other things, for those following ; that is to say,

1. The appointment and management of all necessary officers and servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons of property within the town or suburb to be taxed for raising the monies necessary for the purpose of this Act, whether by house assessment or town duties, or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The manner in which from time to time the rules in force are to be amended or rescinded, and new rules are to be made, with the approval, in every case, of the Governor or Governor in Council, or Lieutenant-governor.

4. The definition and prohibition of nuisances within the town or suburb.

5. The imposition of reasonable penalties for breach of any rule made by the Commissioners,

ACTS of 1850.

Commissioners, not exceeding 50 rupees; or in the case of continuing nuisance, not exceeding five rupees for every day that such nuisance is continued.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Act within the said town or suburb.

IX. No Commissioner shall be personally liable for any Contract made by the Commissioners on behalf of the inhabitants of such town or suburb; but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of the East India Company.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every magistrate shall put in force the powers of the said Act II. 1839, for that purpose, whenever thereunto required by the Commissioners, or any of their officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

XII. All moveable property found in any house or building, or upon any land assessed under this Act, may be seized and sold by warrant of a magistrate, for payment of any arrear of tax laid on such house, building or land under this Act.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor or Governor in Council, or Lieutenant-governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant-governor, shall from time to time order.

XIV. The Governor or Governor in Council, or Lieutenant-governor may at any time suspend the operation of this Act in any town or suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their officers in the execution of this Act.

ACT No. XXVII. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 21st June 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for the Registry of Merchant Seamen.

WHEREAS it is expedient to form a Register of Merchant Seamen; It is enacted as follows:

I. A general register office for merchant seamen shall be established, at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor-general of India in Council shall hereafter deem necessary.

II. For every such office there shall be a registrar, with such assistants, clerks and servants, at such salaries and allowances, and subject to such regulations, as shall be from time to time directed, with the approval of the Governor-general of India in Council, by the Governor or Governor in Council of the Presidency or place where the office is established.

III. Each registrar, before entering on the duties of his office, shall, with two sureties, execute a joint and several bond to the East India Company, according to such form as shall be from time to time approved by the Governor-general of India in Council, conditional for the faithful performance of his duty, and for the due application and account of all monies that shall come to him as such registrar,

registrar, under such amount of penalty as shall be from time to time fixed by the Governor or Governor in Council of the Presidency or place.

IV. Every person not having a register ticket from any port in the United Kingdom of Great Britain and Ireland, who intends to serve (otherwise than as master or surgeon), on board of any vessel navigated from a port within the territories under the government of the East India Company, and registered as a British vessel under the statutes of Parliament and Acts of the Governor-general of India in Council, in force, for the time being, for the registry of British vessels, shall be bound to appear at one of the said register offices, for the purpose of procuring himself to be registered, and shall be bound to answer truly, to the best of his ability and knowledge, the several questions set forth in the Schedule (A.) annexed to this Act, and such other questions as shall be from time to time directed by the Governor-general of India in Council, and until so registered shall not be allowed, after the 1st day of August 1850, to serve in any capacity (other than master or surgeon) on board of any such registered vessel.

V. The registrar shall be bound to register every seaman who shall appear at his office for that purpose, and truly answer the said questions to the best of his ability and knowledge.

VI. The registrar shall give to every seaman whom he shall register a register ticket, containing as accurate a description as may be, of such seaman, in such form as shall be from time to time approved by the Governor-general of India in Council; for which he shall be entitled to take such fee, not exceeding one rupee as shall be from time to time allowed by the Governor or Governor in Council; and shall keep recorded in his office a duplicate of every such register ticket; the registrar shall ascertain, to the best of his ability, and specify on the register ticket, the class or rating of seafaring persons to which each registered seaman appears to him to belong: and, from time to time, shall note on any ticket produced to him for that purpose, any superior rating to which the holder of the ticket appears at that time to be entitled.

VII. Whenever any seaman shall lose his register ticket he shall apply personally to one of the said registrars, and shall be bound to answer truly, to the best of his ability and knowledge, all questions which the registrar or one of his assistants shall put to him, touching the time and manner of the loss; and if it shall appear that no fraud has been committed or intended, the registrar shall furnish another ticket to him upon payment of such fee, not exceeding five rupees, beside the common fee for the issue of a register ticket, as the registrar shall think fit, under the instructions to be issued to him by the Governor or Governor in Council, having regard to the time and manner of the loss of the former ticket.

VIII. Whenever any registered seaman shall be committed to prison, or to any house of correction, the Court or Justice of the Peace shall cause his register ticket to be delivered to the keeper of such prison or house of correction, who shall keep it during the term of the seaman's imprisonment, and at the end of the imprisonment give it to him again; and, whenever any registered seaman shall be sentenced to death or transportation, the person having him in custody shall send his register ticket to the office of the registrar by whom it was issued.

IX. The registrar shall cancel every register ticket which shall come again into his possession; and, from time to time, shall make out lists showing the number and name upon every ticket, cancelled during the 12 months then last past, and of every ticket which shall have been represented to him to have been lost, and in respect of which he shall have issued another ticket during the same 12 months; and shall cause such lists to be published in the Gazette, in the English and vernacular language of the port, and shall also send them to the Collector of Customs and principal officer of police at such towns or ports as shall be directed by the Governor or Governor in Council, to be by them respectively exhibited in some conspicuous part of the Custom-house and police office; and copies of such lists shall be sent to the Master Attendant of every such port, and shall be delivered to every master or owner of a registered vessel, on application, and on payment of a fee of one rupee.

X. The master of any such vessel shall not, at any port in the said territories, after the said 1st day of August, engage or employ, for the purpose of going to sea in his vessel, any unregistered seaman or any seaman having a cancelled register ticket; and shall cause to be delivered to him the register ticket of

ACTS of 1850.

every seaman whom he shall so engage at any such port, after the said 1st day of August, before putting to sea, which ticket the master shall keep safely (unless in the cases herein mentioned) until the end of the service of such seaman with him, and shall then give it back to the seaman to whom it belongs; and every master of a vessel who shall wilfully offend against this enactment shall be liable to a penalty, not exceeding 100 rupees, for each seaman so unlawfully engaged or employed.

XI. Every person applying for a register ticket, who shall wilfully give a false answer to any question which the registrar or his assistant is entitled to ask of him, or wilfully make any false statement before the registrar or his assistant as to the loss of any register ticket, shall be liable to a penalty not exceeding 50 rupees.

XII. Every person who shall wilfully alter, deface or destroy any register ticket, or counterfeit any such register ticket, or transfer or traffic in any such ticket, issued, or purporting to be issued under this Act, shall be liable to a penalty not exceeding 100 rupees.

XIII. Every person who shall become possessed of any register ticket, other than that lawfully issued to him (except masters of vessels and others directed to keep any such tickets by this Act), either by the death of the seaman to whom it belonged, or otherwise, shall forthwith send it to the registrar of the port whence it was issued, and in default of so doing shall be liable to a penalty, not exceeding 100 rupees.

XIV. Every seaman, tendering to the master or owner of any vessel a cancelled register ticket, or any ticket not lawfully issued to him, shall forfeit to the owner all wages accruing to him during the service for which he shall have agreed.

XV. All penalties directed by this Act may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered with costs, as if they were imposed by a Magistrate under Act II. 1839.

XVI. The fees received by the registrar shall be applied toward defraying the expenses of this Act; beside which, a yearly duty of one anna per ton shall be levied for the same purpose on all vessels of the burden of 150 tons and upwards, navigated to or from the ports within the territories under the Government of the East India Company; and the production of a certificate of payment at one port of registry shall free the same vessel at all others during the current year, to be reckoned from the 1st day of January to the last day of December.

SCHEDULE (A.)

1. WHAT is your name and surname?
 2. What is your father's name, and usual dwelling-place?
 3. Have you been registered before?
 4. Where were you born?
 5. When were you born?
 6. When did you first go to sea?
 7. In what capacity did you first go?
 8. In what capacity have you since served?
 9. Have you served in the Royal or Indian Navy, or in the Marine of the East India Company?
 10. If you have, how long, and in what ships and in what capacity?
 11. Have you been in foreign service?
 12. If you have, how long, and in what capacity and under what flag?
 13. How have you been generally employed at sea?
 14. Where do you usually live when unemployed?
-

SCHEDULE

SCHEDULE (B.)

ACTS of 1850.

NAMES and Numbers of the Register Tickets of the crew (including apprentices) now serving on board the _____ of the port of _____ of the burden of _____ tons, on taking departure from the port of _____ in the East Indies, bound on a voyage to _____

Number and Date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this _____ day of _____ 18 . _____ Master.

ACT No. XXVIII. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 21st June 1850, with the assent of the most Noble the Governor-General of India.

AN Act for the Encouragement of Merchant Seamen.

FOR the encouragement and protection of Merchant Seamen ; It is enacted as follows :

I. The master of any vessel, navigated from any port within the territories under the government of the East India Company, where a registrar of seamen is or shall be appointed under Act XXVII. 1850, registered as a British vessel under any statute of Parliament, or Act of the Governor-general of India in Council, in force for the time being, for the registry of British vessels, except country craft not exceeding the burden of 300 tons, employed only in coasting voyages, shall not put to sea on any day after the 1st day of August 1850, until an agreement, executed as hereinafter provided, shall have been made by him with such of his crew as are shipped at any port within the said territories, specifying what wages each seaman is to receive, and the quantity and quality of provisions he is to receive, the capacity in which each is to act or serve, and the voyage in which the vessel is to be employed, or the length of time that each is to serve.

II. Every such agreement shall be in the form set forth in Schedule (A.) annexed to this Act, or such other form as shall be from time to time approved by the Governor-general of India in Council, and shall be properly dated, and shall be signed by the master and the greater number of seamen shipped at any port in the said territories, of each kind of rating belonging to the vessel, on behalf of the crew respectively, in the presence of the registrar of seamen, or by some one appointed by him for that purpose, who, after hearing the agreement read over and explained to each seaman by whom it is to be signed, in a language understood by him, shall, if the seamen assent, cause him to put his signature or mark thereunto, and shall attest the same by his own signature, and shall keep recorded in his office a duplicate of such agreement, executed and attested as afore-said. Every seaman shipped on board such vessel, and not being an apprentice, shall be entitled to have the benefit of such agreement, according to his rating, as if it were executed by him.

III. Every copy of such an agreement, certified by the registrar to be a true copy, shall in all cases be taken as evidence of the contents thereof, on behalf of the seamen ; and no seaman shall in any case be required to produce such agreement,

ACTS of 1850.

agreement, or such copy as aforesaid, or to give notice for the production thereof; but if the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

IV. No seaman shipped under this Act shall, by reason of any agreement, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages, to which he would otherwise be entitled, against any person or persons whatever; and no agreement contrary to or inconsistent with this Act, nor any clause, contract or engagement whereby any seaman shall consent or promise to forego or give up any right or claim to wages in the case of freight earned by a ship afterwards lost, or any right or claim to salvage or reward for salvage services, or such share of salvage or reward for salvage services as may be due to him by decree or award, or otherwise, shall be binding on such seaman.

V. The wages of any seaman engaged to serve on any vessel under this Act shall be calculated by the calendar month.

VI. If any seaman, serving under the provisions of this Act shall, by a writing, according to a form set forth in Schedule (B.) annexed to this Act, or such other form as shall be from time to time approved by the Governor-general of India in Council, attested by the signature of the registrar or his assistant, and by the signature of the master of the vessel on which he is engaged to serve, and in which writing the purpose shall be stated, authorize the said registrar to receive monthly from the owner of the said vessel, or his agent, any part of his wages, not exceeding one-third thereof, for the time for which he shall not have received any advance, for the purpose of maintaining his family during his absence, the said owner or his agent shall, on demand of the said registrar, pay such sum to him, to be applied as aforesaid, without requiring any proof from the said registrar that the said seaman is still on board the said vessel.

VII. All such payments, whether by the owner, his agent, or by the registrar, shall cease from and after the production of a certificate from the master of the vessel of the death, desertion or discharge of the said seaman, or on reasonable evidence that the vessel has been lost; but no payment, actually made by the registrar to the party appointed by the said seaman shall be reclaimable by reason of his death, desertion or discharge, or of the loss of the vessel.

VIII. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the registrar, under his signature, or the signature of his assistant; and the said book shall be at all times open to the inspection of the parties concerned.

IX. At the time of witnessing the execution of the agreement for service, the registrar shall explain to the seamen, parties thereunto, the conditions on which they can allot a part of their pay to their families, during their service; and it shall be the duty of the registrar to see that all seamen leaving the port have the option of allotting part of their pay as aforesaid.

X. The master of every such vessel, before leaving any port of registry, shall deliver to the registrar a list, signed by himself, of the name of every seaman engaged by him in the territories under the government of the East India Company (including apprentices), with their rating and the number of their register tickets, according to such form as shall be from time to time approved by the Governor-general of India in Council; and, if he shall not have engaged any seaman within the said territories, the master shall deliver to the registrar a certificate of the fact, signed by himself; and on receiving the said list or certificate, and on being satisfied of its truth, the registrar shall give to the master a certificate, under his hand, that the master of such vessel has complied with the regulations of the Registry Office; every master of any such vessel who shall leave a port of registry without delivering such list or certificate as aforesaid, shall be liable to a penalty, not exceeding 200 rupees.

XI. For the purpose of preventing any seaman from being shipped on board of any vessel in any port of registry, contrary to the provisions of this Act, the registrar of the port by himself or his agents, in a peaceable manner, may enter at any time on board of any such vessel, and muster and examine the several seamen employed therein; and any person who shall obstruct the said registrar or his agents in such duty, shall be liable to a penalty not exceeding 100 rupees.

XII. In cases when the registrar shall have reason to believe that any of the provisions of this Act has been evaded or neglected by the master, owner, or agent of any ship about to go to sea, the registrar, by a writing under his hand, may

may stay the grant of a port-clearance by the Master Attendant; and every Master Attendant shall comply with the written requisition of the registrar in this respect.

ACTS of 1850.

XIII. The master of every such vessel on which any seaman engaged under this Act may be serving, shall, within seven days after the arrival of such vessel at the port where the voyage ends, or after the end of the service, according to the agreement entered into in accordance with this Act, pay, or cause to be paid to such seamen the wages remaining due to them for their services, taking a receipt from each man for the amount paid to him, either separately or on a general list, which receipt shall be certified by the chief or second officer, or other credible witness, and otherwise shall be of no force or validity.

XIV. Every master or owner who shall neglect or refuse to pay any seaman's wages within the time mentioned in the last section, shall forfeit and pay to such seaman the amount of two days' pay, to be recovered as wages for each day, not exceeding 10 days in the whole, during which such payment has been delayed without sufficient cause.

XV. If any seaman to whom any wages are due die before the wages due have been paid, then the wages shall be paid to the registrar of the port of registry at which the ship shall first touch after his death, and the registrar shall pay the same to his legal representative; and failing such legal representative, after the expiration of 12 months from the 1st of January next following the day on which he shall have received the said balance, into the Treasury of the East India Company, after having given due notice of such unclaimed balance being in his possession, by advertisement in the Gazette, at least twice during such period.

XVI. Every master of a vessel who shall be convicted before a magistrate of having neglected to pay to the registrar, within 10 days of the ship's arrival in the port as aforesaid, the wages due to deceased seamen, shall forfeit three times the amount of wages so neglected to be paid; and further, shall be subject to such fine, not exceeding 100 rupees, for each case of neglect, as to such magistrate shall seem fit.

XVII. Whenever any merchant vessel, navigated and registered as is mentioned in Section 1, and not having been wrecked or condemned, shall be sold or disposed of at any port out of the territories under the government of the East India Company, or whenever the service of any seaman shall end at any such port, the master shall give to each seaman a certificate of discharge, and his register ticket, and also either provide for him fit employment on board some other such vessel bound to some port within the said territories, or provide for him a passage to the port at which he was shipped, or such other port as may be agreed on, either free of cost, or by depositing with the British Consul or Vice-Consul, or if there be none such, with some resident merchant of the port not interested in the vessel, such a sum of money as shall be by him deemed reasonably enough to pay the expenses of his subsistence and passage, which money shall be paid over and above any wages which may be due to him.

XVIII. If the master shall neglect or refuse to provide employment, or the means of passage, for any of his crew, as mentioned in the last section, the expense of doing so, when defrayed, shall be a charge on the owner of the vessel, unless in cases of barratry, wreck or condemnation, and may be recovered with full costs of suit from such owner, as so much money paid on his account, at the suit of the Consul, or any other person defraying such expenses, or at the suit of the East India Company, in case the same has been paid or allowed out of any monies belonging to the East India Company; and if defrayed by the seaman himself, may be recovered as wages due to him.

XIX. The obligations of the last two sections shall not apply to such of the crew as shall consent, in writing, before the British Consul or Vice-Consul, or if there be no British Consul or Vice-Consul at the port, before one or more resident merchants not interested in the vessel, to be then and there discharged.

XX. In all cases of wreck, or loss of the ship, every seaman then on board shall be entitled to his wages up to the time of the wreck or loss, whether or not the ship has earned freight; provided he shall produce from the master or chief surviving officer of the ship, a certificate that he did his best to save the ship, cargo and stores.

XXI. Every seaman shall be entitled to receive an increase of his wages for every

ACTS of 1850.

every day on which the allowance of provisions, which it was agreed he should receive, shall be reduced, at the rate of one anna daily, while the reduction is not more than one-third of the quantity, and two annas daily, while the reduction is more than one-third; and these pecuniary allowances shall be recoverable as his other wages are.

XXII. No assignment or sale of seamen's wages, salvage or prize money, made before the accruing thereof, nor any power of attorney expressed to be irrevocable, for the receipt of any seaman's wages, salvage or prize money, shall be valid or binding on the party making the same; and any attachment to be issued out of any Court, shall not prevent the payment of any seaman's wages, salvage or prize money to him.

XXIII. Every such vessel shall have always on board a sufficient supply of medicines and appliances suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be from time to time issued by the Superintendent of the Indian Navy, with the approval of the Governor-general of India in Council, and published in the Government Gazettes at Calcutta, Madras and Bombay; and in default thereof, the owner of the vessel shall be liable to a penalty not exceeding 200 rupees, and five rupees for every day during which such default shall wilfully continue.

XXIV. Whenever the master, or any officer or seaman of any such vessel shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance, with medicines, and for his subsistence, until he shall be cured, or shall be brought back to the port from which he was shipped, or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel, without any deduction on that account from the wages of such master, officer or seaman; and if paid by himself, may be recovered as part of his wages; and if paid or allowed out of any monies belonging to the East India Company, may be recovered with full costs of suit, as a debt due to the East India Company.

XXV. If any vessel on board of which there shall be any seaman who has received an advance under this Act, shall, before going on the voyage for which such advance shall have been paid, be destroyed or injured by fire or other cause, so as to prevent her going on her then intended voyage, or if such voyage shall be discomfited at the beginning, or before the advance has been worked out, the master, owner or agent of such vessel may demand from such seaman, unless he shall pay back the amount so advanced to him, service to the full amount of the advance received by him on board of any other vessel; and such seaman, until he has worked out such advance, shall not be entitled, without the consent of such master, owner or agent, to take service in any vessel other than that on which he is so required to serve; and any such seaman who shall refuse to work out such advance on board such other vessel, on summary conviction of his refusal before any magistrate or justice of the peace, shall be liable to be imprisoned, with hard labour, for any term not exceeding six months.

XXVI. The registrar of seamen may grant, from time to time, to such persons as he may deem fit, a license to act as broker for procuring seamen for vessels shipping men under this Act, and also a license to the keeper of any lodging-house for seamen, enabling him to allow seamen to be engaged at his house, and also may revoke and annul such license on the misconduct of any such person; and every such license shall be granted for such term, upon such conditions and upon such security given, as the said registrar shall from time to time appoint.

XXVII. Every person not licensed as aforesaid, and not being the owner, part-owner, master or person in charge of the vessel on board of which the men are to serve, who shall hire or engage a seaman to be entered on board any merchant ship at any port of registry, and every person, whether licensed or not, other than the owner, part-owner, master or person in charge of the merchant ship on board of which the men are to serve, who shall demand or obtain the register ticket of any seaman, for the purpose or under the pretence of engaging him on board of any merchant ship; and every person, whether or not licensed as aforesaid, who shall ask or take, directly or indirectly, from any seaman any fee, reward or other valuable consideration for hiring or engaging or endeavouring to hire or engage him on board of any merchant ship, shall be liable to a penalty not exceeding 500 rupees.

XXVIII. Every licensed broker who shall engage any seaman at any punch-house

house or tavern, not being a licensed lodging-house for seamen as aforesaid, or who shall be directly or indirectly interested in any punch-house or tavern, not being a licensed lodging-house for seamen as aforesaid, shall forfeit his license. ACTS of 1850.

XXIX. Every person who shall persuade or endeavour to persuade or hinder any seaman from complying with any of the provisions of this Act, or who shall counsel such seaman to desert, or who shall conceal or aid in concealing or maintaining any seaman who has deserted, shall be liable to a penalty not exceeding 500 rupees.

XXX. If a seaman engaged under this Act shall, at any time, whether before or during any voyage, neglect or refuse to join the vessel on board of which he shall have engaged to serve, or shall refuse to go to sea in such vessel, or shall absent himself therefrom without leave, or shall desert, any justice of the peace or magistrate in the territories under the government of the East India Company at or near to the place where such vessel shall happen to be, or where such seaman shall be found, upon complaint made upon oath by the master, mate or owner, or his agent, may issue his warrant and cause such seaman to be taken into custody, and brought before him, and upon due proof of such neglect, refusal or absence without reasonable excuse, or of desertion, may commit such seaman to prison or to the house of correction, there to be imprisoned, with or without hard labour, for a term not exceeding 30 days; or, if he shall think fit, at the request of the master, mate or owner, or his agent, instead of committing such seaman, may cause him to be taken on board the said vessel, or to be delivered to the master, mate or owner or his agent, for the purpose of being so taken and going on the voyage; and also may award to the master or owner, or his agent, such costs incurred in the apprehension of the seaman, as to such justice or magistrate shall seem reasonable, not exceeding, in any case, the sum of 20 rupees, which shall be chargeable against, and may be deducted from the wages of such seaman.

XXXI. Every seaman engaged under this Act, who, during the term of his service, shall wilfully, and without leave, absent himself from the vessel, or otherwise from his duty, shall (in all cases not of desertion, or not treated as such by the master), forfeit out of his wages the amount of two days' pay, and for every 24 hours of such absence the amount of six days' pay, or, at the option of the master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and every seaman who, while he shall belong to the vessel, shall, without sufficient cause, neglect or refuse to perform his duty reasonably required of him by the master or other person in command of the vessel, shall be subject to a like forfeiture in respect of every such offence, and of every 24 hours continuance thereof; and every such seaman who, after the vessel's arrival at her port of delivery, and during the term of his service, shall leave the vessel without a discharge or leave from the master, shall forfeit one month's pay out of his wages: Provided always, that no such forfeiture shall be incurred, unless the fact of the seaman's absence, neglect or refusal shall be duly entered in the log-book, the truth of which entry the owner, master or agent, in all cases of dispute shall be bound to substantiate by the evidence of the mate, or some other credible witness.

XXXII. Every seaman engaged under this Act, who shall desert his vessel, shall forfeit to the owner all his clothes and effects which he may leave on board, and also all wages and emoluments to which he might otherwise be entitled: Provided always, that every desertion be entered in the log-book at the time, and certified by the signatures of the master and the mate, or the master and one credible witness.

XXXIII. If any seaman shall desert during the term for which he has engaged to serve, in any place beyond the port where he was engaged, and the master of the vessel shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner, agent or master of the vessel shall be entitled to recover from the deserter, by summary proceeding, in the same manner as penalties are by this Act made recoverable (so far as the same can be applied), any excess of wages or portion thereof which such owner, agent or master shall pay to such substitute, beyond the amount which would have been payable to the deserter if he had

ACTS of 1850.

duly performed his service: Provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

XXXIV. The absence of a seaman from his vessel, for any time within 24 hours immediately before the sailing of a vessel from any port, whether before or during any voyage, wilfully or knowingly, without leave, or the wilful absence of a seaman from his vessel at or for any time without leave, and in such manner as to show an intention to abandon his vessel and not return thereto, shall be deemed desertion.

XXXV. Every person who shall wilfully harbour or conceal any seaman or apprentice who shall have deserted, knowing or having reason to believe such seaman or apprentice to be a deserter, shall, for every such seamen or apprentice so harboured or concealed, be liable to a penalty not exceeding 100 rupees.

XXXVI. No debt, exceeding in amount three rupees, incurred by any seaman after he shall have engaged to serve under this Act, shall be recoverable until the service agreed for shall be ended; nor shall any keeper of a public-house, or of a lodging-house for seamen, be entitled to detain any chest, tools, or other property of any seaman, for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools or other property of a seaman, any justice of the peace or magistrate at or near the place, upon complaint upon oath to be made by such seaman, or by any person on his behalf, may inquire into the matter upon oath in a summary way, and, by warrant under his hand and seal, may cause such property to be seized and delivered over to such seaman, and the person so detaining the same shall be liable to a penalty not exceeding 100 rupees.

XXXVII. Any justice of the peace or magistrate within the territories subject to the East India Company, upon complaint made by any three or more of the crew of any such vessel, shall survey and examine, or cause to be surveyed and examined, the provisions, water and medicines put or supplied on board of the vessel for the use and consumption of the crew; and if on such survey and examination, it shall be found that such provisions, water or medicines are of a bad quality or unfit for use, or not such as should be provided, or there shall not appear to be a sufficient quantity thereof, the surveying officer shall signify the same, in writing, to the master of the vessel; and if such master shall not thereupon provide other fit provisions, water or medicines, instead of any which may be signified by the said surveying officer to be of a bad quality or unfit, or if any such master shall not thereupon procure the needful quantity of provisions, water and medicines, or shall issue to the crew any provisions, water or medicines, which shall have been signified by the surveying officer to be of a bad quality, or unfit, he shall, in each of such cases, be liable to a penalty not exceeding 500 rupees.

XXXVIII. A place of shelter shall be provided below a well caulked and substantial deck, for the men engaged under this Act, large enough to allow four superficial feet for every man; and if the place allotted be under the top-gallant forecastle, such forecastle deck shall be not less than four feet six inches above the one below it; and in default thereof every man who is unprovided with such adequate shelter shall be entitled to have an increase of his wages, at the rate of four annas daily, while he is so unprovided, which shall be recoverable as his other wages are.

XXXIX. All penalties directed by this Act may be imposed on summary conviction before a magistrate or justice of the peace, and may be recovered, with costs, as if they were imposed by a magistrate under Act II. 1839.

XL. All claims for wages or forfeitures due and incurred under the agreements entered into under this Act, may be heard and determined by any justice of the peace or magistrate; and the amount, with costs, awarded by such justice or magistrate, shall be recovered from the party against whom the award is made, in the same manner as fines levied under the provisions of Act II. 1839.

XLI. Every person having the charge or command of any vessel sailing under this Act, shall be deemed to be the master of such vessel within the meaning of this Act, and every other person (apprentices excepted) who shall be employed
or

or engaged to serve in any capacity on board, except as surgeon, shall be deemed to be a seaman within the meaning of this Act ; and the term " owner " shall be deemed to comprehend all the several persons, if more than one, to whom the vessel belongs, and the term " agent " shall be deemed to comprehend all the several persons, if more than one, who are agents of the owner.

ACTS of 1850.

SCHEDULE (A.)

An Agreement made pursuant to an Act passed by the Governor-general of India in Council, and numbered No. XXVIII. of 1850, between the master of the ship _____ of the port of _____ and of the burden of _____ tons, and the several persons whose names are set hereto, on behalf of themselves and others, shipped on board the said ship within the territories under the government of the East India Company.

It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said ship in the several capacities against their respective names expressed [or from the day of to the day of both inclusive] (where the intended voyage is to be described as nearly as can be done, and the places at which it is intended the ship shall touch, or, if that cannot be done, the nature of the voyage in which she is to be employed); and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be at all times diligent to their respective duties and stations, and to be obedient to the lawful commands of the master, in everything relating to the said ship, and the materials, stores and cargo thereof, whether on board such ship, in boats or on shore; in consideration of which services, to be duly, honestly, carefully and faithfully performed, the said master doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed: And it is hereby agreed, that any embezzlement, or wilful or careless loss or destruction of any part of the ship's cargo or stores, shall be made good to the owner out of the wages (so far as they will go) of the seaman guilty of the same; and if any seaman shall have entered himself as qualified for a duty for which he shall prove unfit, he shall be liable to a reduction of the rate of wages hereby agreed for, in proportion to his unfitness. In witness whereof the said parties have hereto set their names, on the days against their respective signatures mentioned.

Number and Date of Ship's Register.	Place and Time of Entry.			
	Day.	Month.	Year.	
	Men's Names set forth at full length.			
	Number of Register Ticket.			
	Name of the Ship in which the Seaman last served.			
	Age.			
	Town or Country, where Born, or Place of Birth.			
	Caste or Profession.			
	Amount of Wages per Calendar Month, Share or Voyage.			
	Amount of Wages advanced at time of Entry.			
	Amount of Monthly Allowment.			
	Quantity and Quality of Provisions per Day.			
	Signature.			
	Witnesses' Signature.			

hereby declare the truth of all the particulars set forth in this agreement
made at the port of ()
this day of 18 . Master

**Master.
Mate.**

SCHEDULE (B.)

TICKET of Allotment of Wages by a Registered Seaman at the Port of

I _____ registered number _____
 now serving as _____ on board the vessel _____ at
 monthly wages of _____ rupees, hereby authorize and request the
 Registrar of Seaman at _____ to receive from the agents of
 the _____ one-third of my monthly wages as they become due,
 after I shall have served the time for which I have received advance, which time
 will expire on the _____ day of _____ next, and I hereby
 authorize the Registrar to pay the same to my _____ or the person holding
 this paper, taking his or their receipt, monthly, on the back hereof.

ACT No. XXIX. of 1850.

Passed by the Honourable the President of the Council of India in Council, on
 the 2d August 1850, with the Assent of the most Noble the Governor-
 General of India.

AN ACT to amend Act XXXI. 1838, for the prevention of Poisoning.

FOR amendment of Act XXXI. 1838, relating to the administration of poison
 or other deleterious substance; It is enacted as follows :

I. Whoever shall wilfully and maliciously administer to, or cause to be taken
 by any person, any poison or any stupefying or intoxicating drug, or any un-
 wholesome thing, with intent, in any of the cases aforesaid, to do any permanent
 or temporary bodily harm to such person, or with intent to commit or abet the
 commission of any unlawful act, shall be liable, at the discretion of the Court, to
 be transported to such place as the Court shall direct, for life, or for any term
 of years, or to be imprisoned for any term not exceeding four years.

II. In any case in which any person shall be charged with administering to,
 or causing to be taken by any other person, any poison or other destructive
 thing with intent to commit murder, and the offence proved shall amount only to
 an offence under this Act, he may be punished as if he had been charged with
 an offence under this Act.

III. This Act shall be construed with and as part of Act XXXI. 1838.

ACT No. XXX. of 1850.

Passed by the Honourable the President of the Council of India in Council, on
 the 9th August 1850, with the Assent of the most Noble the Governor-General
 of India.

AN ACT to remove Doubts on the Construction of Act I. 1846; and
 Act IV. 1850.

WHEREAS doubts have been entertained whether or not the operation of Act I.
 1846, section 3, and of Act IV. 1850, section 1, is retrospective; It is declared
 and enacted as follows :

I. The provisions of Act I. 1846 shall not be deemed to apply to private
 agreements between parties and their pleaders made before the passing of the
 said Act.

II. The time allowed for the presentation of petitions of regular appeal in
 cases appealable to the Sudder Court, in cases decided before the passing of
 Act IV. 1850, is three months instead of six weeks, as provided for the future
 by the last-mentioned Act; and all appeals filed before the passing of this Act
 in such cases within the said term of three months, shall be taken to have been
 presented in due time, and shall be subject to all the forms and rules in force
 previous to the passing of Act IV. 1850.

III. The notice, required by section 2 of the last-mentioned Act to be given in
 writing to the appellant, may be given by a notice to be affixed in the Court-house
 of _____

of the Sudder Dewanny Adawlut, or in such form and manner as the Court shall order, by a rule to be framed under Act XVII. 1841.

ACTS of 1850.

IV. Act IV. of 1850 shall not affect appeals by paupers, which shall be preferred in all respects as heretofore, excepting that the specific objections to the judgment and detailed reasons for preferring the appeal may be presented within three months instead of six weeks from the date of permission to appeal as a pauper.

ACT No. XXXI. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 9th August 1850, with the Assent of the most Noble the Governor-General of India.

AN Act for protecting the Salt Revenue in Bombay.

WHEREAS it is expedient to provide for the better protection of the salt excise revenue, and to bring under control the right of opening or continuing salt-works within the Presidency of Bombay; It is enacted as follows:

I. A duty of customs shall be levied on salt, passing by land into or out of foreign European settlements or territories declared to be foreign under section 8, Act I. 1838, at the same rate as the excise duty leviable on salt within the territories subject to the Presidency of Bombay.

II. The said duty of customs shall be levied in the same manner, and under the same rules and restrictions, and subject to the same penalties as is prescribed for the levy of duties of customs on goods imported and exported by land, by Act I. 1838.

III. Any person who shall be concerned in passing salt, either by land or sea, contrary to the provisions of this or any other Act, shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding 500 rupees, or both.

IV. All salt passed, or attempted to be passed or removed, contrary to the provisions of this or any other Act, and all vessels, carriages and animals used in so passing or removing such salt, and the contents of any package in which such salt may be concealed, shall be liable to confiscation at the discretion of the Governor of Bombay in Council, but may be redeemed on payment of such fine as the Governor in Council or any officer or officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may think reasonable.

V. The Governor of Bombay in Council, or any officer or officers of the Revenue Department to whom the Governor in Council shall think fit from time to time to delegate this power, may reward informers and other persons through whose means any seizure of salt is made under this or any other Act, out of the proceeds of any such confiscation, or of the fine paid in redemption thereof.

VI. No new salt-works shall be established, and no old works not in use at the time of passing this Act, or which shall hereafter be abandoned during three consecutive seasons, shall be re-opened within the territories subject to the Presidency of Bombay, without the permission of the Governor of Bombay in Council; and any person who shall infringe these prohibitions shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding 500 rupees, or both.

VII. The Governor of Bombay in Council may, at his discretion, suppress any salt-work which, on an average of any three years, does not produce yearly at least 5,000 Indian maunds of salt.

VIII. Section 7, Act XXVII. 1837, shall be applicable to any tracts of country where salt is found.

ACTS of 1850.

ACT No. XXXII. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 16th of August 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT to repeal Act XV. 1836.

WHEREAS the reasons for which Subathoo and the other territories annexed thereto were placed under the control in civil cases of the Court of Sudder Dewanny Adawlut, then at Allahabad and now at Agra, no longer exist; It is enacted, as follows:

I. Act XV. 1836 is repealed; except as to all cases and proceedings which at the time of the passing of this Act shall be under consideration by the said Court, which shall be decided, and the orders passed thereon shall be executed, as if this Act had not passed.

ACT No. XXXIII. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 23d of August 1850, with the Assent of the most Noble the Governor-General of India,

AN ACT for amending the Forms necessary for the Sale of Putnee Tenures in Bengal.

WHEREAS by clause 2, section 8, Regulation VIII. 1819, of the Bengal Code, it is provided that zemindars shall be entitled in certain cases to apply for the sale of putnee tenures on which the right of sale for an arrear of rent is reserved, by presenting a petition to the Civil Court of the district, and a similar one to the Collector; and whereas the petition to the Civil Court has not been presented previous to many of such sales, and it is not necessary for protection of the putneedar; It is enacted as follows:

I. After the passing of this Act, it shall not be necessary for the zemindar in any such case to present a petition to the Civil Court, but a petition to the Collector shall be sufficient.

II. All sales of putnee tenures before the passing of this Act, which were held without presenting such petition to the Civil Court, and for the reversal of which no suit was commenced before the 4th day of April in the year 1850, shall be deemed as valid as if such petition to the Civil Court had been presented.

III. Every putneedar whose tenure shall have been sold before the passing of this Act without such petition having been presented to the Civil Court, and the sale of which is hereby declared valid, shall be entitled to recover in a suit against the zemindar or person at whose instance the sale has been effected, or his representatives, the amount of any actual loss or damage sustained by such putneedar, by reason only of such sale having been made without the presentation of such petition to the Civil Court.

ACT No. XXXIV. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 23d of August 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for the better Custody of State Prisoners.

WHEREAS doubts have been entertained whether state prisoners confined under Regulation III. 1818, of the Bengal Code, can be lawfully detained in any fortress, gaol, or other place, within the limits of jurisdiction of any of the Supreme Courts of Judicature established by Royal Charter, and it is expedient that

that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East India Company ; It is enacted, as follows : ACTS of 1850.

I. The warrant of commitment of any state prisoner, under Regulation III. 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to the commandant of any fortress, or to the officer in charge of any gaol or other place, in which it is deemed expedient that such state prisoner be confined, in any part of the said territories ; and such warrant shall be sufficient authority for the detention of such state prisoner in the fortress, gaol or other place mentioned in the warrant.

II. Regulation III. 1818, of the Bengal Code, shall be extended and applied to every Sheriff, Commandant or Officer, having any state prisoner in custody, under the said Regulation, as explained and extended by this Act.

III. Any state prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor-general in Council, shall be deemed to have been lawfully committed thereunto.

ACT No. XXXV. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 6th of September 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for regulating the Bombay Ferries.

WHEREAS it is expedient to regulate the Public Ferries within the territories subject to the Presidency of Bombay ; It is enacted as follows :

I. The Governor of Bombay in Council may declare by proclamation what ferries within any part of the territories subject to the Presidency of Bombay, shall be deemed public ferries, and at any time hereafter, by a like proclamation may establish new ferries where they are needed, and, from time to time, change the course of any public ferry, or discontinue any public ferry that is deemed unnecessary.

II. Tolls according to such rates as shall, from time to time, be settled or approved by the Governor of Bombay in Council, shall be levied upon all passengers, carts, carriages cattle and other animals, and on all goods and merchandise carried over any public ferry.

III. No tolls shall be leviable from any body of soldiery on their march.

IV. Boats shall be provided under the authority of the Governor of Bombay in Council for each public ferry, and tindals, boatmen and other persons shall be appointed for their due navigation.

V. At every public ferry-station a toll-keeper shall be appointed with a sufficient establishment, whose duty it shall be to take the lawful tolls.

VI. A table of tolls, written or printed in the English and Native languages, shall be hung up in some conspicuous place at every ferry-station, so as to be easily read by all persons crossing the ferry.

VII. Every toll-keeper, who shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding 10 rupees.

VIII. Every toll-keeper, who shall ask or take any toll other than is allowed by the table of tolls, or who shall wilfully delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding 50 rupees.

IX. Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct

ACTS of 1850.

obstruct any toll-keeper or any of his assistants, in any way in the execution of their duty under this Act, and also every person who shall maliciously damage any toll-bar, boat or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding 50 rupees, over and above the value of the damage which he has done.

X. All public ferry-boats shall be numbered and registered as the Governor of Bombay in Council shall direct, and the names of all tindals or persons placed in charge thereof, and of all toll-keepers, shall likewise be so registered.

XI. The magistrate of every zillah in which there shall be a public ferry, and any magistrate of police of Bombay, whom the Governor of Bombay in Council may appoint for such purpose within their respective jurisdictions, shall make rules, subject to confirmation by the Governor in Council, fixing the number of passengers, carts, carriages and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers and other persons employed at any public ferry; and any tindal, toll-keeper or other person infringing or disobeying any such rule, shall be liable to make good any loss or damage which shall have been caused thereby, which may be summarily ascertained by any magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

XII. The Governor of Bombay in Council may lease any public ferry by public auction or private contract, from year to year, or any longer period not exceeding seven years, on such conditions as he deems advisable, in which case a contract, setting forth the conditions on which the ferry is to be held, shall be executed by the contractor or farmer, and security shall by him be given for its due fulfilment.

XIII. The ferry-boat at any public ferry which shall be established between the Island of Bombay and the main-land, and adjacent islands, shall cross each way at least once daily, unless hindered by stress of weather or other unavoidable accident.

XIV. Every person who, without the special license of the Governor of Bombay in Council, shall convey for hire any passenger, animal, cart, carriage or goods, from any part of the Islands of Bombay and Colaba across the harbour of Bombay to the main-land, or to any of the adjacent islands, shall be liable to a penalty not exceeding 500 rupees; but this penalty shall not apply to the carriage for hire of passengers, animals, carts, carriages and goods from one part of the Islands of Bombay and Colaba to another part of either of the said islands, nor to any person specially hiring any boat for the carriage of himself and family or friends, with their goods and servants, across the harbour of Bombay to the main-land, or any of the adjoining islands, nor to the person letting any boat to hire for such purpose.

XV. Every person who shall convey for hire any passenger, animal, cart, carriage or goods across any other arm of the sea, creek or river within the said Presidency, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any public ferry, without the special license of a magistrate of the zillah or town in which the ferry is situated, shall be liable to a penalty not exceeding 500 rupees.

XVI. All offences against this Act shall be summarily heard and determined by the magistrate of the zillah within the limits of which the same shall have been committed, and if within the limits of the jurisdiction of the Supreme Court of Bombay, by any magistrate of police of Bombay: all penalties shall be recovered in the manner directed for the recovery of the fines specified in Clauses 1, 2 and 3, Section 14, Regulation XIX. 1827, of the Bombay Code.

XVII. All tolls payable on account of any public ferry, and all rent payable on account of such of them as are farmed, and all penalties for offences against this Act, shall form a general fund, which shall be applied, in the first instance, towards the expenses necessary for keeping up all the ferries throughout the Presidency

Presidency of Bombay, and the residue, if any, shall be applied under the directions of the Governor of Bombay in Council, in the improvement of the public roads, ways, and thoroughfares, leading to and from any of the said ferries.

ACTS of 1850.

XVIII. The Governor of Bombay in Council may appoint such officers and other persons as shall be necessary for carrying this Act into execution, with such salaries as the Governor-general of India in Council shall approve, to be paid out of the fund produced by the tolls and fines as provided by this Act, and the Governor of Bombay in Council may, from time to time, delegate any of the powers conferred on him by this Act to any magistrate or other person, as he thinks fit.

ACT No. XXXVI. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 4th October 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT to amend the 113th Article of War for the Native Army.

WHEREAS it is expedient that Native Soldiers, when imprisoned, should be treated as European Soldiers are in the like case, as respects subsistence and clothing; It is enacted as follows:

I. From and after the first day of December 1850, so much of the 113th Article of War for the government of the native officers and soldiers in the military service of the East India Company as provides for the forfeiture of allowances, and the subsistence of such officers and soldiers, when in imprisonment under the sentence of any court martial or of any court of criminal judicature, is repealed.

II. From and after the said first day of December 1850, no native officer, or soldier, or public follower in the military service of the East India Company shall be entitled to pay or allowances, when imprisoned under the sentence of a court martial or a commuted sentence, or under the sentence of a court of criminal judicature; but shall be clothed and subsisted at such rates, or in such manner, as the Governor-general of India in Council may from time to time order.

ACT No. XXXVII. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 1st November 1850, with the Assent of the most Noble the Governor-General of India.

FOR REGULATING INQUIRIES INTO THE BEHAVIOUR OF PUBLIC SERVANTS.

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable without the sanction of Government, and to make the same uniform throughout the territories under the Government of the East India Company; It is enacted as follows:

I. The following Acts VI. 1838, XXVI. 1839, and XIII. 1843 are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation thereby repealed.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removable from his office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct articles of charge, and shall order a formal and public inquiry to be made into the truth thereof.

III. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government Commissioners for the purpose: notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

IV. When

ACTS of 1850.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the Commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution, or perjury, or subornation of perjury, as the case may be.

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX. 1841, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the zillah and City Judges, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the zillah or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

IX. All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties, as if the same had issued originally from the Court or other authority through whom it is executed.

X. A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery, and the first day of the inquiry.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the articles of charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.

XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved: his address shall not be recorded.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused: the prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

XIV. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before

before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer: if made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

XVI. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners, according to the like rules as the witnesses for the prosecution.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in courts of justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury: when the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.

XVIII. The Commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

XX. When the Commissioners shall be of opinion that the articles of charge or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time; the Commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause: when such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

XXI. After the close of the inquiry, the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions; it may also order additional articles of charge to be framed, in which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges: when special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

XXIII. The word "Government" as used in this Act means the Governor-general in Council, the Governor or Deputy-governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St. George and Bombay, respectively, and the Lieutenant-governor of the North-western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameeris or of Deputy Magistrates or Deputy Collectors, but a Commission may be issued for the

ACTS of 1850. the trial of any charge against any of the said officers, under this Act, in any case in which the Government shall think it expedient.

XXV. Nothing in this Act shall be construed to affect the authority of Government for suspending or removing any public servant for any cause without an inquiry under this Act.

ACT No. XXXVIII. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 1st November 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT to allow Counsel to all Persons on the Trial of Offences.

WHEREAS an Act of Parliament was passed in the seventh year of the reign of his late Majesty for enabling persons indicted of felony to make their defence by counsel or attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the territories under the Government of the East India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law; It is enacted as follows:

I. In all Courts and before all magistrates, or persons exercising any of the powers of a magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent.

II. The said Courts, magistrates and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as counsel or pleader, nothing in this Act shall be deemed to restrict that right: in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized pleaders of the Civil Courts of the East India Company, or, by leave of the Court, magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.

ACT No. XXXIX. of 1850.

Passed by the Honourable the President of the Council of India in Council on the 22d November 1850, with the Assent of the most Noble the Governor-General of India.

To continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.

WHEREAS Act XVI. 1847, for constituting Commissioners for the Improvement of the town of Calcutta has been found inconvenient and ineffectual for the intended purposes thereof, and it is expedient that the constitution of the said Commission be amended, and that in the mean-time no new election of Commissioners be made in pursuance of the said Act; It is enacted as follows:

I. So much of Act XVI. 1847, as relates to the election and time of holding office of the Commissioners for the improvement of the town of Calcutta, is repealed.

II. The Commissioners for the improvement of the town of Calcutta as now constituted, with the addition of such Commissioners as may be added, from time

time to time, to supply vacancies among the Commissioners nominated by the Governor of Bengal, shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under the said Act, or any other Act, until the first day of March 1851, or until other provision shall be made in that behalf by the Governor-general of India in Council.

ACTS of 1850.

ACT No. XL. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 22d November 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for licensing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca.

WHEREAS it is expedient to amend the law regarding pawnbrokers in the settlements of Prince of Wales' Island, Singapore and Malacca; It is enacted as follows:

I. Regulation VII. 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, and Regulation XI. 1833, of the Bengal Code, are repealed from and after the first day of May 1851, except as to convictions and the enforcement of penalties for contraventions of the said Regulations.

II. Every pawnbroker shall take out a license from the Superintendent of Police of the station or place at which his shop is situated, for the grant and registration of which a fee shall be paid to the Superintendent of Police, on account of Government, of such amount as shall be from time to time fixed by the Governor of the Straits' settlements; and every such license may be annulled, whenever the Superintendent of Police shall think fit.

III. No person shall exercise the trade of a pawnbroker within the said settlements, without a license; and every unlicensed person who shall take in pledge, or keep in deposit any goods or chattels as security for the loan of any sum of money under 150 dollars, shall forfeit for each offence a penalty not exceeding 50 dollars.

IV. Every licensed pawnbroker, who shall take any goods or chattels on pawn from any person, between sunset and sunrise on the following morning, shall forfeit a penalty not exceeding 50 dollars.

V. Every licensed pawnbroker, who shall knowingly take from any European or native soldier any article whatsoever, as a pawn, pledge or security for any sum of money lent or advanced to such soldier, or who shall knowingly buy from any European or native soldier any article whatsoever, without an authority in writing in each case from the Commanding Officer of such soldier, shall forfeit a penalty not exceeding 50 dollars.

VI. Every licensed pawnbroker, who shall take from any child, apparently under the age of fourteen years, any article whatsoever, as a pawn, pledge or security, for any sum of money lent or advanced to such child, or who shall buy from such child any article whatsoever, shall forfeit a penalty not exceeding 50 dollars.

VII. All pawnbrokers are required to report to the Superintendent of Police of the station or place in which they severally reside, all cases in which there is reason for them to suspect any person offering any article to be pawned of having unlawfully obtained possession thereof: And the said pawnbrokers shall keep proper registers in writing, specifying the nature and value of every article pawned; the name and dwelling-place of the person pawning the same; the date and the hour of the day in which the same was offered and taken in pawn; the amount lent and the time within which the same is to be repaid; and shall give a duplicate of the entry in such registers to the person pawning the article respecting which the entry is made, and in default thereof shall forfeit a penalty not exceeding 50 dollars.

VIII. All such registers shall be produced for inspection by the said pawnbrokers, whenever they shall be thereto required by any Justice of the Peace, Superintendent of Police, or any peace officer; and any pawnbroker failing to

ACTS of 1850.

keep and produce his registers when so required, shall forfeit his license, and also forfeit a penalty not exceeding 50 dollars.

IX. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of non-payment of any pecuniary penalty forfeited under this Act, any two Justices may issue a warrant under their hands, directed to any peace officer, to levy the amount of such penalty by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found, any Justice of the Peace, by warrant under his hand, may commit the offender either to the House of Correction or to Her Majesty's Gaol at the station where the conviction is had, for any period not exceeding four calendar months.

X. This Act shall take effect from and after the 1st day of May 1851.

ACT No. XLI. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 22d November 1850, with the Assent of the most Noble the Governor-General of India.

AN Act to prevent the landing and leaving of Decrepit Beggars, in the Settlements of Prince of Wales' Island, Singapore and Malacca.

WHEREAS much public inconvenience has arisen by masters of ships and nakodās of junks and other vessels landing and leaving in the settlements of Prince of Wales' Island, Singapore and Malacca, diseased, maimed, blind and decrepit persons, who afterwards beg for subsistence in the public streets; It is enacted as follows:

I. From the 1st day of January 1851, all captains, commanders, masters or nakodas of ships, junks, topes, boats, prahus or other vessels, who shall bring and land, or cause to be brought and landed in any part of the settlements of Prince of Wales' Island, Singapore and Malacca, or in any of the places now or hereafter to be subordinate or annexed thereto respectively, without leave of the Superintendent of Police of such place, any diseased, maimed, blind or decrepit person, not having the means of subsistence, and who may be hindered by his or her diseased, blind or disabled state from earning a livelihood, shall, on conviction before two Justices of the Peace, be liable for every such offence, to pay a fine not exceeding 100 dollars, and in default of payment to be imprisoned for any period not exceeding two calendar months.

II. Any two Justices, upon the complaint of the Superintendent or other officer of Police, that any such person, who has not resided one month in the settlement, has been found begging, or has become chargeable to the settlement, may cause such person to be brought before them, and may examine such person and any other witnesses on oath or solemn affirmation, touching the place from which he or she was brought to the said settlement, and may cause any such person to be removed to the place from which he or she was so brought, in such manner as shall be from time to time directed by the Governor of the said settlements, and the reasonable cost of such removal shall be borne and paid by the master of the vessel by whom such person was brought to the settlement, and may be sued for and recovered as so much money due from him to the East India Company, and paid by the Company on his account.

III. The captain, commander, master or nakoda of every such vessel shall, within 24 hours of the arrival of the vessel at any one of the said settlements, deliver to the Master Attendant of the port a true list of all the passengers embarked on board of his vessel at the time of such arrival, specifying the name, nation and rank or condition in life of each; and every such captain, commander, master or nakoda who, without reasonable excuse, shall neglect to deliver such list within the appointed time, or wilfully make out or deliver a list which is false or incomplete in any respect, shall, on conviction before two Justices of the Peace, be liable to pay a fine not exceeding 500 dollars, and in default of payment, to be imprisoned for any term not exceeding three calendar months.

ACT

ACT No. XLII. of 1850.

ACTS of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 20th December 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for giving additional Facilities for Public Works in Bengal.

WHEREAS, by Regulation I. 1824, of the Bengal Code, power was given for taking any land in the territories subject to the Presidency of Fort William in Bengal, which is needed for any public purpose, according to the forms therein prescribed, but it is expedient, for hindering needless delay in making the Railway about to be constructed in the said Presidency under the sanction of Government, and also in any other public work, that more summary power should in certain cases be given for gaining immediate possession of the land needed for such public work ; It is declared and enacted, as follows :

I. Any railway made in the said territories under the sanction of Government, is a public work within the meaning of the said Regulation.

II. The persons employed in any public work, with their servants and workmen, may enter upon any land for surveying the ground, and in the case of a road, canal or railway for setting out the intended line thereof, and in the case of any intended road, canal or railway, may mark the intended line by cutting a trench or placing landmarks along the line, and where otherwise the survey cannot be completed, and the line marked, may, with the sanction of the Government or of any officer appointed by Government for this purpose, cut down and clear away any part of any jungle or tope of trees in the direction of the intended line ; provided that no person shall enter the curtilage of any house under colour of this Act without consent of the occupier, unless between sunrise and sunset, and after due notice given to such occupier.

III. It shall be the duty of the officer so appointed by the Government to take account of all necessary damage done as aforesaid, that it may be allowed for, in awarding compensation to the owners and occupiers of land.

IV. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any such landmark, or effaces, or fills any such trench, shall be liable to be imprisoned for any term not exceeding six months, and also to fine not exceeding 200 rupees.

V. Whenever the said officer shall have recorded his opinion that the land in dispute is needed immediately for the purpose of the public work, he shall be empowered to take immediate possession thereof on behalf of the Government, leaving the amount and distribution of the consideration to be paid for it, if not agreed to by private bargain, to be afterwards ascertained according to the said Regulation, and such possession may be enforced and the obstruction of it punished in like manner as if the land so taken had been sold in execution of the decree of a Civil Court : and all collectors, magistrates and other officers shall, if necessary, give the like aid as they would be bound to give for enforcing the speedy and complete execution of any such decree.

VI. If the said officer is opposed or impeded in taking immediate possession of such land as in his opinion is immediately needed, he shall apply to the magistrate of the district, who shall enforce the surrender of the land.

VII. The powers of the said Regulation and of this Act shall extend in the case of any road, canal or railway, to authorize the temporary occupation of any land not more than 100 yards from the centre line of the road, canal or railway as marked on the ground, for taking earth or other materials for making or repairing the road, canal or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, or any land which may be needed for making temporary roads from any public road to the intended line of railway ; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained in case of disagreement in the same manner as compensation for land permanently taken.

VIII. The

ACTS of 1850.

VIII. The local Government, if it thinks fit, may empower any such officer to execute any award made under the said Regulation, and to do all things necessary for completing the business, of taking and paying for the said land, and for settling all disputes concerning it, without sending any report to the local Government.

IX. In every case in which any land has been or shall be taken by the Government for any public work, otherwise than according to the said Regulation, such land after the lapse of five years, without any claim preferred for the recovery thereof in any competent Court, or under the said Regulation I. 1824, or this Act, shall vest absolutely in the East India Company, freed and discharge from all other claims thereunto.

X. The said term of five years shall be reckoned from the date of this Act, in the case of land heretofore taken, and in the case of land hereafter taken, from the time of taking possession thereof.

XI. If within the said term of five years any suit is begun upon which final judgment shall be obtained establishing the right of the plaintiff to any interest in any such land, then, instead of the said land, there shall be paid to the person obtaining such judgment the value of his interest in the said land, at the time when possession thereof was taken, with interest thereon at the usual and lawful rate, to be ascertained and settled in case of dispute by arbitration, in the manner described for disputed claims by the said Regulation.

ACT No. XLIII. of 1850.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for the Regulation of Registered Joint Stock Companies.

FOR the Regulation of Joint Stock Companies registered under this Act; It is enacted as follows :

I. Every unincorporated company of partners, associated under a deed containing a provision, that the shares in the stock or business of the said company are transferable without the consent of all the partners, and also every company established for some literary, scientific or charitable purpose, which does not carry on any business for the pecuniary benefit of any of the proprietors or shareholders, shall be entitled to registration under this Act.

II. The Supreme Courts of Judicature at Calcutta, Madras or Bombay may, on such petition as is hereinafter mentioned of any persons desiring to register the company to which they belong, order the registration of such company; and thereupon such company shall be duly registered in the said Court, and deemed a registered company within the meaning of this Act.

III. Every petition for the registration of any company under this Act shall be filed in the Court to which it is presented, with the deed, or a copy of the deed of partnership of the company, and a list of the directors and shareholders of the company, severally verified by affidavit of the secretary or manager, or principal or other servant of the Company, intended to be a registered officer of the company within the Presidency in which the petitioners shall apply for registration; and such petition shall set forth the following particulars, that is to say:

1st. The names and additions of all those who are at that time partners of the company, and their usual places of residence; and, when any company which has carried on its business before registration, shall be admitted to the privileges of this Act, a separate memorial of the names and additions, and last known place of abode of all persons who, within three years next before the presentation of the petition, were partners thereof.

2d. The style under which the company is to carry on its business.

3d. The names of the principal places within the Presidency in which they seek to be registered, where the business is to be carried on.

4th. The amount of capital stock and of any proposed addition thereto, and if consisting of money, how much is paid up, and if other than money, the

the nature of such capital stock, and in all cases how invested, and if separate provision is made for working capital, the amount thereof, and how much of it is paid up.

ACTS of 1850.

5th. The number of shares into which the capital stock has been, or is to be divided.

IV. Before the registration of any company, which has carried on its business before registration under a deed of partnership, not containing any provision for registration of the company under this Act, the directors shall call a special meeting of the shareholders for the purpose of resolving that the company shall be registered under this Act, to be held at a place and time to be mentioned in the notice of meeting; and such notice, beside being given to the partners in the manner provided in the deed of partnership for notice of special meetings, shall be published in the Government Gazette, and in at least one other newspaper circulating within the Presidency, and the time of holding such meeting shall be not sooner than three months, and not later than four months after the first of such publications.

V. One-half in number of the shareholders assembled either personally, or by their lawfully constituted attorneys at such meeting, owning at least one-half of the whole number of shares owned by all the shareholders so present, may resolve that the company shall be registered under this Act, and such resolution, so carried, shall be binding on the whole company.

VI. The petition for registration in such case shall contain, beside the other particulars herein mentioned, statements of the notice and publication thereof, of the holding of the meeting, and of the several numbers of shareholders, and shares held by them collectively, who were present at the meeting, and who voted in favour of the resolution respectively, and shall state that the petition is presented upon such resolution.

VII. No Company shall be disqualified for registration by reason of any outstanding loan to any director, or by reason of any director being a surety, or under any other pecuniary engagement to the company; but any director having such loan, or being such surety or under such engagement, shall, by the fact of the registration of the company, cease to be a director, unless the loan or other engagement be such as is authorized by this Act.

VIII. Every registered company shall be subject to the following regulations, notwithstanding any provisions in their deed of partnership varying therefrom; and the Supreme Court, in which the company shall be registered, shall have authority, on the petition of any shareholder, to enforce the same, and from time to time, to make any order or orders in respect of any breach or neglect thereof, as to such Court shall seem meet.

1st. Every registered company shall hold one or more ordinary general meetings of the company in every year, at such times and places as are appointed by the deed of partnership, or in default thereof, as the Supreme Court, in which such company is registered, shall in the order for registration appoint, subject to variation by any subsequent order or orders of such Court.

2d. Every registered company shall, from time to time, hold an extraordinary general meeting, whenever seven shareholders or any greater number may require it, by notice in writing under their hands, to be delivered to a registered officer of the company, or, if he cannot be found, to any other servant of the company, at one of their usual places of business.

3d. No registered company shall purchase its own shares or make any loan of money or securities for money to any person or persons, on the security of a share or shares in the partnership or business; and every such purchase or loan shall be a breach of trust within the meaning of all laws now in force, or hereafter to be in force, relating to breaches of trust by agents or trustees misappropriating money or property.

4th. No registered company shall make any loan of money or securities for money to any director or registered officer of such company, or to any member of a local committee at any branch or agency, except only in the case of banking companies, to such limited amount, and on such securities as shall be sanctioned by the deed, or, from time to time, by a general meeting of the shareholders of such

ACTS of 1850.

such banking company ; and every such transaction, except as aforesaid, shall be a like breach of trust : and the particulars of every loan made to any director or registered officer of such company shall be reported to the next general meeting of shareholders, with a statement and specification of the several securities on which such loans were advanced.

5th. No director or member of a local committee at any branch or agency, or registered officer, shall become a security or guarantee for any person in any loan or other transaction with the company, nor shall he in any way incur liability to the company uncovered by such security as is sanctioned by the deed of partnership.

6th. The accounts of every registered company shall be audited half yearly or oftener, by two or more auditors, chosen at a general meeting of the shareholders, none of the auditors being a directed or registered officer at the time.

7th. A copy of the auditor's report (if any) and balance sheet, and a separate profit and loss account, and a capital account, showing the amount of the capital, and how invested, and the estimated value thereof, verified by affidavit of the same being made to the best of their knowledge and belief, as often as the accounts are audited, shall be filed in the Court in which the company is registered, and a written or printed copy of the said report, balance sheet, and accounts, shall be delivered to every shareholder who shall demand it, or sent by the General Post-office to the place where he may, from time to time, require delivery thereof.

IX. The Court in which the company is registered may, on the petition of any shareholder, enforce the performance by the directors of any of their duties under this Act, or of the deed of partnership, which it may appear just to enforce, in a summary manner, after due notice given to such directors ; and disobedience to any order of the Court in this behalf shall be deemed a contempt of Court, and shall be punishable accordingly.

X. Within one week before or after the first day of January and first day of July, in every year after the registry of the said company, a memorial shall be filed in the Court in which such company is registered, setting forth in alphabetical order, the names of all the partners, with their several additions, places of abode, and the number of shares belonging to each, and the names of the directors of the company, and also the names of the servants of the company to be deemed the registered officers within the Presidency in which such Court is situated ; and, as often as a change in the direction or of any registered officer shall take place by death, resignation, disqualification, or otherwise, a memorial of such change shall be forthwith filed in the Supreme Court.

XI. When any share is held by two or more persons, the name, addition and place of abode of every such person shall be separately entered in every such memorial, and each of such persons shall be considered as jointly and separately liable for the engagements of the company on account of such share ; unless when such share belongs to any other registered company, in which case the name of such company shall be entered in the memorial instead of the names of the partners thereof.

XII. The several memorials shall be signed by two or more of the directors of the company, and verified by affidavit of one of them before the Master of the Supreme Court, or a Commissioner by the said Court appointed.

XIII. An office copy of any such registered deed or copy thereof, filed as aforesaid, or memorial or of any part thereof issued under the seal of the Court, shall be received in evidence before all Courts as proof of the contents thereof, and no proof shall be required that the persons by whom any such memorial purports to be verified were directors of the company.

XIV. The keeper of the records of the Supreme Court shall allow all persons, at reasonable times, to inspect any such deed, copy, or memorial, and shall furnish office copies of any such deed, copy, or memorial, or any part thereof, under the seal of the Court, to all persons applying for the same.

XV. Such fees shall be paid for registering every such deed and memorial, and for allowing inspection and furnishing copies thereof, or of any part thereof,

as

as the Judges of the Supreme Court, with the approval of the Governor or Governor in Council, from time to time, shall establish. ACTS of 1859,

XVI. Subject to the provisions of the deed of partnership, every shareholder in any such registered company may sell and transfer all or any of his shares therein by a deed, according to the form in the Schedule annexed to this Act, or to the like effect, and the same, when duly executed, shall be delivered to a registered officer, who shall make an entry thereof in a book to be called the "Register of Transfers," and shall endorse such entry on the deed of transfer, and deliver an acknowledgment of the receipt thereof to the purchaser, for which entry and endorsement the company shall be entitled to have a fee not exceeding one rupee; and until such transfer is so entered and endorsed, the purchaser of the share shall not be entitled to receive any share of the profits of the business, or to vote in respect of such share.

XVII. No shareholder shall be entitled to transfer any share until he has paid all calls at that time due on every share held by him.

XVIII. On the transfer of any share in a registered company being executed and notified in the manner required by the deed of the company and this Act, the party making or the party accepting such transfer may require a memorial thereof to be made forthwith, and filed with the memorial of the names of shareholders of the company; and in case such memorial shall not be made and filed within one month after such requisition, the Supreme Court shall, on the petition of either of the said parties, and on notice being given to the directors of the company, order such memorial to be made and filed, in case the Court shall be satisfied of the validity of such transfer; and every such memorial of transfer shall be taken henceforth as part of the last general memorial.

XIX. No transfer shall be deemed complete, nor shall any shareholder be discharged from any liability by the transfer of any share, until the memorial of such transfer shall have been filed as aforesaid, or until the purchaser has been substituted as a partner instead of the seller in one of the general half-yearly memorials, in respect of the share or shares so transferred; and no person shall be liable as a shareholder by reason merely of having accepted such transfer, until such memorial of the transfer shall be filed, or until he is entered as a partner in one of the general half-yearly memorials.

XX. The Supreme Court in which any company is registered may, on petition and on notice being given to the directors, and to every other person to whom it shall appear to the Court that notice ought to be given, order any memorial filed under this Act to be corrected, in case of any material error of omission or otherwise, either in the lists of shareholders or any other respect whatever.

XXI. The directors may close the register of transfers for a time not exceeding 14 days before the payment of any dividend, and may fix a day for closing the same, of which seven days' notice shall be given in the Government Gazette.

XXII. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any share is subject; and the receipt of the person in whose name any share stands in the books of the company, or in the case of a minor, idiot, or lunatic, the receipt of the guardian or committee, or where the share stands in more than one name, the receipt of the person whose name stands first, shall be a sufficient discharge to the company for any dividend or other sum of money payable on account of such share, whether or not the company had notice of any such trust; and the company shall not be bound to see to the application of any money paid on such receipt.

XXIII. Every such registered company shall sue and be sued by the registered name of the company, as if it were an incorporated company, and in no other manner; and service of any writ, order, or other process or notice on a registered officer of the said company, at one of their usual places of business, or, if he cannot be found, in such manner as the Supreme Court in which such company is registered shall order and direct, shall be good service on such company.

XXIV. In any indictment or information for any theft or embezzlement of the monies or goods of any such registered company, or for any other offence committed against them or their property, or with intent to defraud or injure them, and

ACTS of 1850.

and in any proceeding in which it may be necessary to name them, they may be described by the registered name of the company.

XXV. In any suit brought or proceeded with in the name of any such registered company, the plaintiffs shall be liable to be nonsuited unless it is proved on their part that the suit is brought or proceeded with by direction of one or more of the partners appointed at a general meeting to be directors of the company, or by the direction of some person or persons having authority from the directors to bring suits on behalf of the company; and such proof may be given either by filing a warrant to sue signed by such director or person, and supported by affidavit, or in such other manner as shall be consistent with the practice of the Court.

XXVI. No such suit, indictment, information, or other proceeding shall abate or be prejudiced by any change of the persons constituting the partnership, or of the directors, or of the person having such authority.

XXVII. No suit by or against the company shall be in anywise affected by the defendant or plaintiff therein being or having been a shareholder of the company; but any such shareholder, either alone or jointly with any other person or persons as against the company, or the company as against any such shareholder, either alone or jointly with any other person or persons, shall have the same right of action, remedy and execution, in respect of any claim whatever, as the shareholder or company would have had, if the shareholder had been a stranger.

XXVIII. All unpaid capital, or money due on account of the capital stock of the company, shall be deemed a debt due to the Company, and shall be recoverable as such by the description of money due by the defendant, on account of a share in the business of the company.

XXIX. A registered company which shall commit any act which is hereby deemed an act of forfeiture, shall be liable to the jurisdiction of the Court for Relief of Insolvent Debtors, and a petition to the said Court in the case of such company shall be prosecuted in the same manner as petitions in the case of insolvent debtors; and in case of an adjudication of forfeiture, the law and practice of the said Court, with such alterations of the practice as, from time to time, shall seem to the Court necessary, shall be extended to the case of such company, as in the case of an adjudication of insolvency in the case of an insolvent debtor.

XXX. An adjudication of forfeiture against any such company shall not be deemed an act of insolvency of the individual members of such company.

XXXI. An adjudication of forfeiture against such company shall convey to the assignee or assignees appointed to the whole of the real and personal property of the said company, and all debts, causes of suit, and possibilities of interest, with the like power to sue either at law or in equity, as fully and effectually as an adjudication of insolvency against any individual could convey the same by any of the laws now in force or hereafter to be in force affecting insolvents.

XXXII. Whenever an adjudication of forfeiture shall have issued against any such company, the assignee or assignees, from time to time, may compromise any debts or claims belonging to the said company, and may grant discharges to the parties to such compromises.

XXXIII. Whenever the directors of any registered company shall be unable to meet the engagements of the company, they shall, at a special meeting of the directors convened for that purpose, and by such a number and majority of them as would be sufficient for any ordinary business of the company, declare such inability by a resolution, which being signed by the directors by whose votes it has been carried, shall be forthwith published in the Government Gazette of the Presidency; and for two calendar months after the publication of such resolution, but not later, such resolution shall be deemed an act of forfeiture of their privileges for the sole purpose, nevertheless, of supporting a petition to the Court for Relief of Insolvent Debtors in case a petition shall be filed within two months after the date of the publication thereof as aforesaid, but not afterwards.

XXXIV. Any

XXXIV. Any registered company which shall not, within two months after judgment and the issue of a writ of execution thereof, satisfy such judgment, shall be deemed to have committed an act of forfeiture, and thereupon the execution creditor, or any creditor to whom such company shall be indebted to the amount of 500 Company's rupees, or any two creditors to whom such company shall be indebted to the amount of 700 Company's rupees, or any three or more creditors to whom such company shall be indebted to the amount of 1,000 Company's rupees, may present a petition to the Court for the Relief of Insolvent Debtors at the Presidency within which such company is registered, stating the amount due to such creditor or creditors, and the registry and act of forfeiture of such company, and praying such Court would proceed as if such company or the shareholders thereof had petitioned such Court for relief under the laws in force for relief of insolvent debtors; whereupon the Court shall inquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such company has committed an act of forfeiture, and proceed thereon pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and of this Act.

XXXV. Upon the filing of any petition to the Court for Relief of Insolvent Debtors in the case of any registered company, whether by a shareholder or by a creditor, the Court shall make the like vesting order for the purpose of vesting all the real and personal estate of the company in the official assignee, and such other orders ancillary thereto as the Court might make in case of an individual insolvent debtor, and all the powers and authorities of the said Court, and all the laws relating to insolvent debtors shall, so far as the circumstances of the case admit, be extended to all such registered companies.

XXXVI. Whenever there shall be an adjudication of forfeiture against any registered company, the directors of such company, at the time of filing the petition, shall be subject to the orders of the said Court for the Relief of Insolvent Debtors, and it shall be their duty individually or collectively to prepare such balance sheet and other accounts as the Court may deem necessary, and to assist the official assignee in the examination of and closing all the affairs of the company; and every director and person who shall at any time have been a director of the company, shall be liable to be examined upon oath, and to make full and true discovery of the estate and effects, past and present, and business, affairs, and interests of the company, either orally or upon written interrogatories, as the Court may order.

XXXVII. Upon the adjudication of forfeiture against any registered company, the claims of any creditor of the company against the shareholders shall not be enforced otherwise than under this Act, except in respect of any special contract, or any debt or liability contracted by any shareholder in his individual capacity, otherwise than by taking a share in the business of the Company.

XXXVIII. As soon after an adjudication of forfeiture against any company as the official assignee can make an approximate estimate of the amount of the debts and other claims against the company, or of any certain portion thereof, the said Court, on the application of the official assignee, shall order such sum to be raised by contribution of the shareholders as may appear to the said Court necessary for the satisfaction of such debts and claims; and may from time to time order such further sum to be raised in like manner as may appear necessary: and upon obtaining such order, the official assignee shall assess the said sum rateably amongst the shareholders, according to the number of shares held by them respectively, and immediately proceed to collect the same; and monthly or oftener shall report defaulters to the said Court, together with the amounts at which they were assessed respectively, and thereupon the said Court, if satisfied that the said assessment is just, shall order the payment of such assessment within such time and upon such notice or demand by advertisements or otherwise, as the Court may see fit; and non-payment thereof within the time ordered by the Court shall be an act of insolvency of the defaulting shareholders; and the said assignee, or any person being a creditor of the said company to the amount of 500 Company's rupees, or any two creditors to whom such company shall be indebted to the amount of 700 Company's rupees, or any three or more creditors to whom such company shall be indebted to the amount of 1,000 Com-

pany's

ACTS of 1850.

pany's rupees, may present a petition to the Court for the Relief of Insolvent Debtors of the Presidency within which the said company is registered, stating such act of insolvency, and praying that such defaulting shareholder may be adjudged to have committed an act of insolvency, and upon such petition being duly verified, the Court shall be empowered to adjudge that such defaulting shareholder has committed an act of insolvency, and the Court for Relief of Insolvent Debtors in the Presidency in which the defaulter is resident, may proceed thereon according to the provisions of the Act for the Relief of Insolvent Debtors in India.

XXXIX. The shareholders of untransferred shares whose names are in the last general memorial, including those (if any) who have been subsequently returned as shareholders of the company, shall be liable and be called upon in the first instance to satisfy the debts of the company; but in case it shall appear to the said Court that full satisfaction cannot, within such time as may appear reasonable to the Court, be otherwise obtained, such other persons as at any time within three years next before the adjudication of forfeiture shall have been returned in any memorial as shareholders of the company, shall be liable to contribute to such amount collectively as the Court may order; and, upon every order for contribution from former shareholders, the official assignee shall proceed as hereinbefore prescribed in the case of present shareholders.

XL. In fixing the sum to be raised from time to time by assessment of the shareholders, it shall be in the discretion of the Court to make such allowance for unrealized assets of the said company, as the Court may deem just.

XLI. No such assessment shall be deemed erroneous or set aside merely by reason of its being in excess of other assessments rateably considered, if the same be needed for satisfaction of any creditor of the said company, and any such assessment may be reduced, when expedient, by order of the Court.

XLII. If on realizing the assets of the Company a balance shall remain, after payment of the debts and other claims against the company, the said Court may order the repayment out of such balance, first, of such sums or rateable parts thereof as have been paid by any shareholders not liable in the first instance to satisfy the debts of the company; and secondly, of such sums or rateable parts thereof as have been paid by any other shareholders in excess of their rateable liability, according to the number of their shares, regard being had to the number of other assessed shareholders; and lastly, if such a balance shall not thereby be exhausted, the said Court may order the distribution of the remainder thereof among the shareholders by the official assignee, upon a scheme or plan to be submitted to and approved by the said Court, or may order the same to be paid to the Accountant-general of the said Court to the credit of the said company, to abide such proceedings as any parties interested therein may take at law or in equity: and any order of the said Court for the disbursement of money shall be a sufficient authority to the said official assignee to protect him against all claims in respect of such disbursement by any shareholder or creditor.

XLIII. If any registered company which carried on its business before registration shall incur an adjudication of forfeiture before it has been registered for three years, such persons as are not registered shareholders but were co-partners or shareholders thereof at any time before the registration of the company, but within three years before the filing of the petition for relief, shall be liable to contribute to the debts of the company in like manner as if they were on the first memorial of the shareholders of the company.

XLIV. Whenever it shall appear to the Court for Relief of Insolvent Debtors that the aid of a Court of Equity will be necessary for closing the affairs of any registered company, against which an adjudication of forfeiture has been made, the said Court may order the official or other assignees to take proceedings in the Supreme Court in Equity, by bill, or by petition for the like relief as might be had by bill, and the said Supreme Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XLV. The said Supreme Court may likewise on petition of any shareholder having

having any claim against any other shareholder, in respect of the affairs of the company, make such order as it may deem just for settling such claim between such shareholders.

ACTS of 1850.

XLVI. Whenever any shareholder in a registered company which shall have been adjudged to have incurred forfeiture shall be adjudged an insolvent, either on his own petition, or under the provisions aforesaid, or otherwise, the assignee or assignees of such registered company shall be entitled, from time to time, to rank as a creditor on the estate of such insolvent, for such rateable contributions, as the Court for the Relief of Insolvent Debtors shall, from time to time, appoint to be paid by such insolvent shareholder.

XLVII. After the affairs of any such registered company against which there has been an adjudication of forfeiture are closed under this Act, the company shall forfeit all its privileges under this Act, and the partnership shall be dissolved.

SCHEDULE.

I of in consideration of paid
to me by of do hereby transfer to the said
the share (or shares) numbered in the business
called The to hold unto the said his [or her]
executors, administrators and assigns, subject to the conditions of the partner-
ship deed of the Company, registered in the Supreme Court of
Judicature at , and the other conditions in which I held the
same: And I the said do hereby agree to take the said share
(or shares) subject to the same conditions: As witness our hands and seals,
the day of in the year

Witness

A. B. (L. S.)

C. D. (L. S.)

ACT No. XLIV. OF 1850.

Passed by the Honourable the President of the Council of India in Council, on the 27th December 1850, with the Assent of the most Noble the Governor-General of India.

AN ACT for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.

WHEREAS by Regulation IV. 1819, of the Bengal Code, a Board of Revenue in the Customs, Salt and Opium Department, was constituted in the Province of Bengal, with all the duties, powers and authorities of the Board of Revenue, with respect to customs and town duties, and with the powers theretofore possessed by the Board of Trade in the Salt and Opium Departments; and whereas it is not now necessary that this Board should be continued separate from the Board of Revenue in the Lower Provinces of Bengal; It is enacted as follows:

I. Regulation IV. 1819, of the Bengal Code, is rescinded; but not so as to revive any part of any rule or regulation thereby rescinded and annulled.

II. All powers and duties now vested in, or belonging to the Board of Revenue in the Customs, Salt and Opium Department, and its officers respectively, shall be transferred to the Sudder Board of Revenue constituted in the said Lower Provinces according to Regulation I. 1829, of the Bengal Code, and its officers respectively: and all Acts and Regulations now in force relating to the said Customs, Salt and Opium Board of Revenue, or its officers, shall be understood

ACTS of 1850.

henceforth as if the said Sudder Board of Revenue and its officers had been respectively mentioned therein instead of the said Board of Customs, Salt and Opium, and its officers.

III. The said Sudder Board of Revenue shall be henceforth styled the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.

ACT No. XLV. of 1850.

Passed by the Honourable the President of the Council of India in Council on the 27th December 1850, with the Assent of the most Noble the Governor-General of India.

Act to declare the Law as to the Jurisdiction of Coroners.

For removal of doubts as to the jurisdiction of Coroners; It is declared and enacted as follows :

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any coroner appointed for any place within the territories under the Government of the East India Company, the coroner having jurisdiction where the body is lying dead has power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1850.

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
A.				
Accountants. [See Public Accountants.]				
Act VII. of 1849; amended and extended to Fort St. George and Bombay. [See Ad- ministrator-general]	II.	I.		
— XI. of 1836; section II., modified	III.	I.		
— VIII. of 1844; repealed	VII.	I.		
— XII. of 1848; repealed	IX.	III.		
— VII. of 1847; extended to arrears of rent not exceeding 500 rupees	IX.	LXXXIX.		
— X. of 1841; section 13; repealed	XI.	I.		
— 9 Geo. IV. c. 99 to 104; repealed	XIII.	III.		
— III. of 1844; declared to be in force in the Straits Settlements	XIV.	III.		
— XII. of 1843, shall apply to points to be established or on which proof is re- quired by the Moonsiff's Court in the Bengal Presidency. [See Moonsiffs]	XV.	II.		
— XXVIII. of 1839; enlarged for taking grounds within Bombay and Colaba for Railway or other purposes. [See Bom- bay and Colaba]	XVII.	I.		
— I. of 1838, part of, as relates to the duty on Tobacco in Bombay; repealed [See Tobacco]	XXIV.	I.		
— IV. of 1846; so much of sections 5 and 9 as relates to the disposal of for- feiture of deposits at sales of land in execution of decrees; repealed. [See Lands]	XXV.	I.		
— X. of 1842; repealed	XXVI.	I.		
— XXXI. of 1838, amended. [See Poi- soning]	XXIX.			
— I. of 1846 - } Application of	XXX.	I.		
— IV. of 1850 - }				
— XXVII. of 1837; section 7; appli- cable to any tracts of country where salt is found within the Bombay Presi- dency	XXXI.	VIII.		
— XV. of 1836; repealed	XXXII.			
— XXII. of 1839; extended	XXXVIII.	Preamble.		
— XVI. of 1847, part of, as regards Mu- nicipal Commissioners of Calcutta; re- pealed	XXXIX.	I.		
Acts XXI. of 1839, and III. of 1842, made applicable to the Straits Settlements	XIV.	I.		
— VI. of 1838 - } Repealed	XXXVII.	I.		
— XXVI. of 1839 - }				
— XIII. of 1843 - }				
Aden declared a free port and settlement	X.	I.		
— the above port not within the provision of Act VI. of 1848	"	II.		
Administrator-general at Calcutta, Act VII. of 1849, relating to; extended to the Presidencies of Fort St. George and Bombay	II.	I.		— Madras and Bombay.
Administrator-general at Fort St. George and Bombay respectively may hold both the offices of Ecclesiastical Regis- trar and Administrator-general	"	II.		

I

(continued)

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Administrator-general. The altered rate of commission under Act VII. of 1849, not to take effect until directed by the respective Governments - - -	II.	III.		
Administrator-general at Calcutta, and the above Presidencies, prohibited from trading under penalties mentioned - -	"	IV.	- -	- - Calcutta, Madras and Bombay.
Appeals (regular) to the Sudder Court; time limited for presenting to the Lower Court petitions to contain simple notice of - - - - -	IV.	I.	- -	Bengal.
proceedings held in the course of appeal to be certified to the Sudder Court, and notice thereof given to the appellant - - - - -	"	II.		
time limited for presenting to the Sudder Court specific objections to the judgment and detailed reasons for preferring the appeal - - - - -	"	III.		
Powers given by c. 3, s. 16, Regulation V. of 1831, Bengal Code, to Zillah Judges, of confirming decisions on certain, without serving any notice on respondents, extended to Principal Sudder Ameen - - - - -	VIII.	I.	- -	Bengal.
Every Judge or Principal Sudder Ameen so acting shall record his reasons for rejecting the appeal - - -	"	II.		
Regular, Act IV. of 1850, not to affect, in cases decided before the passing of this Act as to the period limited for filing - - - - -	XXX.	II.	- -	General.
affixing notice to appellants in the house of the Sudder Court sufficient - -	"	III.		
Act IV. of 1850, not to affect appeals by paupers, except as regards the periods for presenting the specific objections and detailed reasons - - -	"	IV.		
Apprentices; children of what age may be bound as, and by whom and for what period - - - - -	XIX.	I.	- -	General.
age mentioned in the contracts shall be evidence of the age in questions of the master's right to the continuance of their service - - - - -	"	II.		
any Magistrate or Justice of the Peace may act as guardian on behalf of any orphans or poor children abandoned by their parents or convicted of vagrancy or any petty offence - -	"	III.		
children brought up by any public charity by whom to be bound - -	"	IV.		
boys may be bound in the sea service to any of Her Majesty's subjects being owners of ships belonging to and trading from any registering port in the Company's Territories - - - - -	"	V.		
boys may in like manner be bound for sea service in any of the Company's ships - - - - -	"	VI.		
master of ships in which an apprentice shall be appointed to serve shall be deemed agent of the party to whom he is bound - - - - -	"	VII.		
contract of apprenticeship how to be drawn - - - - -	"	VIII.		
contract to be signed by what parties - - - - -	"	IX.		
contracts executed as above, where to be deposited; certified copies shall be received as evidence - - -	"	X.		
terms of service may be changed during the apprenticeship, or the contract determined with the consent of the parties - - - - -	"	XI.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Apprentices; may be assigned by the master to any other person, with the consent of the parties concerned - - -	XIX.	XII.		
complaints by or on behalf of, how to be tried and disposed of -	"	XIII.		
contract not cancellable, and masters and agents not liable to criminal proceeding for moderate chastisement given to any apprentice; but criminal proceeding may be adopted against masters in certain cases -	"	XIV.		
how to be punished for ill-behaviour and for absconding -	"	XV.		
Magistrate may order the contract to be cancelled, with the consent of the parties, upon complaint of repeated ill-behaviour on the part of the apprentice, though the charge be not proved - - -	"	XVI.		
any sum recovered on behalf of the, on cancelling the contract how to be disposed of by the magistrate -	"	XVII.		
period limited for preferring complaints by masters against, and <i>vice versa</i> - - -	"	XVIII.		
if masters die before the end of apprenticeship, the proportionate part of the premium paid by the apprentice to be returned by the executor, unless he retains his services - - -	"	XIX.		
the executor's offer to keep the apprentice, how to be certified -	"	XX.		
shall be entitled to three months' maintenance after the master's death, provided the apprentice lives with the executor - - -	"	XXI.		
of persons becoming bankrupts or insolvents shall be discharged from all obligation under the contract, and the premium paid, how recoverable - - -	"	XXII.		
amenability to the Courts and Magistrates of the East India Company of British subjects, and others, in the Company's Territories without the towns - - -	"	XXIII.		
appeal shall lie to sessions court from the orders of Magistrates without the towns - - -	"	XXIV.		
meaning of certain words used in this Act explained - - -	"	XXV.		
Schedules A. and B. - - -	"			
Article of War; part of 113th repealed -	XXXVI.	I.		
B.				
Beggars; penalty for masters or nakodas of ships, junks, &c., landing diseased or disabled, within the Straits settlements - - -	XLI.	I.		Straits Settlements,
who have not resided one month in the settlement, may be removed to the place whence they were brought, and the cost of removal may be recovered from the master of the vessel by whom they were brought - - -	"	II.		
penalty for masters or nakodas not delivering to the Master Attendant of the port, within 24 hours, a true and complete list of passengers - - -	"	III.		
Board of Customs, Salt and Opium, and the Sudder Board in the Lower Provinces, consolidated - - -	XLIV.			Bengal.
of Revenue for the Lower Provinces, the Sudder Board shall hereafter be styled as - - -	"	III.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Bombay; special duty on Tobacco in. [<i>See</i> Tobacco.]				
Bombay and Colaba; sections 15 to 21 of Act XXVIII. of 1839, extended to en- able Courts of Petty Sessions to take ground or building in, for railway or other public purposes	XVII.	I.	-	Bombay.
Bombay Ferries. [<i>See</i> Ferries.]				
Bombay Salt Revenue. [<i>See</i> Salt.]				
Boundary disputes concerning Zemindaries in the Tributary Mehals in Cuttack. [<i>See</i> Cuttack.]				
Breach of Trust; persons in the East India Company's or Her Majesty's service, embezzling chattel, money or valuable security, shall be deemed to have felo- niously stolen the same	XIII.	I.	-	General.
certain officers in the two				
Services enumerated as coming within				
the scope of this Act	"	II.		
Clauses 99 to 104, of Act				
9 Geo. 4, regarding Criminal Justice	"	III.		
in East Indies, repealed				
a clerk or servant stealing	"	IV.		
chattel, money, &c., belonging to his				
master, how punishable	"	V.		
a clerk or servant receiv-				
ing and embezzling any chattel, money,	"	VI.		
&c., shall be guilty of what offence				
every member and officer				
of a trading corporation, or company,	"	VII.		
and every banker, merchant, factor,				
broker, attorney, or other agent, shall				
be deemed to have feloniously stolen				
the property entrusted to him for safe				
custody, or any special purpose, if the	"	VIII.		
same be otherwise disposed of				
every sub-agent, clerk or				
servant of any such trading corpora-	"	IX.		
tion or company, or of any banker,				
merchant, factor, broker or other agent,	"	X.		
who shall fraudulently apply any chat-				
tel, money, &c., entrusted to the com-	"	XI.		
pany, or persons by whom he is em-				
ployed, knowing the purpose of the	"	XII.		
trust, shall be deemed to have com-				
mitted what offence	"	XIII.		
persons embezzling chat-				
tel, money, &c., entrusted to them by				
others, shall be deemed to have felo-				
niously stolen the same				
Persons convicted under				
this Act of having feloniously stolen	"			
property, how to be punished				
definition of valuable se-				
curity	"			
offenders under this Act				
may be proceeded against on the same	"			
charge for any number of distinct acts				
within six months	"			
if the offence relates to				
money, bank note, &c., allegation in the	"			
indictment, of the embezzlement or				
fraudulent application of money, suffi-				
cient, without specifying the particular				
coin or security	"			
declaration in the indict-				
ment of the person to whom the pro-	"			
perty embezzled belongs, or any descrip-				
tion of the property, other than its				
general character, not necessary, and				
the mention of the capacity in which				
the accused received the property em-				
bezzled, sufficient	"			

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Breach of Trust; the Court before which any offender is tried may make amendments necessary by reason of variance between the statements and evidence as to description of property, person, &c. -	XIII.	XIV.		
offenders may be tried and punished by any Court of competent jurisdiction -	"	XV.		
punishment of offender not to lessen his own, or the liability of his sureties, to make good the loss -	"	XVI.		
penalty for persons charged with a breach of trust, but proved only to have knowingly furnished false accounts of money received or paid -	"	XVII.		
British Subjects; administration of estates of. [See Administrator-General.]				
C.				
Calcutta; first seven sections of Reg. I. of 1824, Bengal Code, made applicable to lands within, needed for public purpose -	I.	I.	-	Town of Calcutta.
Government securities on account of purchase-money reserved according to the 5th clause of sec. 6 of the said Regulation, with whom to be deposited -	"	II.		
interest of such securities, how to be applied and disposed of. [See Regulation.] -	"	III.		
lands in; how to be assessed -	XXIII.	I.	-	Calcutta.
lakhiraj tenures of what character shall be valid -	"	II.		
non-payment of assessment how leviable -	"	III.		
if paid by any tenant, he may deduct the amount from the rent payable to his landlord -	"	IV.		
Company's land revenue or rent to have priority of claim over all others upon the land or the property distrained -	"	V.		
the Collector's process of distraint for arrears not to be stayed, unless the amount be lodged with him -	"	VI.		
time limited for recovery of arrears becoming due after the passing of this Act -	"	VII.		
claims to lakhiraj tenures, how to be disposed of by the Collector and Commissioner -	"	VIII.		
penalty for obstructing or molesting the Collector or his subordinates in the execution of their duty -	"	IX.		
penalty for contempt committed in the Collector's cutcherry -	"	X.		
Collector to act under control of Superior Revenue Authorities -	"	XI.		
under 21 Geo. 3, c. 70, the Supreme Court shall have no jurisdiction over matters concerning the Calcutta ground-rents -	"	XII.		
all actions concerning ground-rents in, triable in the 24-Pergunnahs Civil Court -	"	XIII.		
meaning of "Collector" and "Commissioner," as used in this Act, explained -	"	XIV.		
part of Act XVI. of 1847, as relates to the election and time of holding office of the Municipal Commissioners for the town of, repealed -	XXXIX.	I.	-	Calcutta.
Commissioners shall continue to exercise their powers under the said Act until 1st March 1851, or until other provision be made -	"	II.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Ferries, Public; tolls shall be settled from time to time - - - - -	XXXV.	II.		
body of soldiery on their march exempted from tolls - - - - -	"	III.		
boats to be provided, and the crew appointed by authority - - - - -	"	IV.		
a toll-keeper to be appointed at every ferry station - - - - -	"	V.		
a table of tolls to be hung up at ditto - - - - -	"	VI.		
penalty for toll-keepers neglecting to hang up, or removing or altering the same - - - - -	"	VII.		
penalty for toll-keepers asking or taking unauthorized tolls, or wilfully delaying passengers, &c. - - - - -	"	VIII.		
penalty for persons refusing to pay the toll and obstructing the toll-keepers in the execution of their duty, as also for maliciously doing damage to any toll-bar, boat, and the table of tolls - - - - -	"	IX.		
public boats shall be numbered and registered, and the names of all tindals and others, as also the toll-keepers, to be registered - - - - -	"	X.		
rules shall be made for the management of the boats as to the number of passengers, and the quantity of goods, &c., to be carried at one trip; penalty for tindals, toll-keepers and others infringing such rules - - - - -	"	XI.		
may be leased for any period not exceeding seven years - - - - -	"	XII.		
established between the Island of Bombay and the main-land, and the adjacent islands, shall cross each way at least once daily - - - - -	"	XIII.		
penalty for persons, without license, conveying for hire passengers' goods, &c., from any part of the Islands of Bombay and Colaba, across the harbour of Bombay to the mainland, or any adjacent islands; exemptions - - - - -	"	XIV.		
penalty for persons, without license, conveying passengers, animals, &c., across any other arm of the sea, creek or river, to any point or place on the opposite bank within three miles on either side - - - - -	"	XV.		
offences against this Act where to be heard and determined; penalties how recoverable - - - - -	"	XVI.		
tolls, rents and penalties shall form a general fund, and how applicable - - - - -	"	XVII.		
persons shall be appointed for carrying this Act into execution with salaries to be paid out of the fund - - - - -	"	XVIII.		
Fines to be added to punishments already inflicted on persons convicted in the Company's Courts of offences concerning property, and the same may be distributed among the sufferers. [See Property] - - - - -	XVI.	I.	- -	General.
Foreign Ships may convey goods and passengers from one part of the Company's Territories to another - - - - -	V.	-	- -	General.
G.				
Governor-general, power of, during his absence in the North Western Provinces from the Council of India - - - - -	XXII.	I.		
Act when to take effect - - - - -	"	II.		

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
H.				
Hindoos; right of inheritance of. [See Inheritance.]				
I.				
Improvement of Towns. [See Municipal.]				
Inheritance; right of, of Hindoos and Mahomedans not impaired at law by reason of their renouncing or having been excluded from the communion of any religion - - - - -	XXI.	I.		
Inquiry into the conduct of Public Servants. [See Public Servants.]				
J.				
Jails; confinement of state prisoners in. [See State Prisoners.]				
Joint Stock Companies; of what nature and character will be entitled to registration - - - - -	XLIII.	I.		General.
Supreme Courts may on petition, order registration of - - - - -	"	II.		
Petition, containing certain particulars, to be filed, with a deed of partnership and a list of directors and shareholders verified by the secretary or manager - - - - -	"	III.		
directors shall call for a meeting of shareholders to resolve upon the registration of, which have been carried on before registration without any provision for registration in the deed of partnership - - - - -	"	IV.		
resolution for registration of one-half of the shareholders owning one-half of the shares, shall be binding on the company - - - - -	"	V.		
the petition for registration to contain certain other particulars concerning the meeting - - - - -	"	VI.		
liability of directors to the company shall not disqualify it for registration, but such directors shall cease to continue as such - - - - -	"	VII.		
registered companies shall be subject to the following regulations - - - - -	"	VIII.		
one or more ordinary general meetings to be held every year - - - - -	"	"	1.	
seven shareholders may call an extra general meeting - - - - -	"	"	2.	
purchasing their own shares, or lending money on the security of such shares, shall be deemed breach of trust - - - - -	"	"	3.	
registered companies prohibited from making any loan of, or securities for money to any director or registered officer, except in the case of banking companies - - - - -	"	"	4.	
members of a local committee at any branch or agency not to become security for any person in any transaction with the company, nor shall they incur any uncovered liability - - - - -	"	"	5.	
the accounts to be audited half-yearly - - - - -	"	"	6.	
auditor's report, balances and accounts to be filed in the Court, and furnished to the shareholders on demand - - - - -	"	"	7.	

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Joint Stock Companies; disobedience on the part of directors to any order of the Supreme Court for enforcing performance of their duties, shall be deemed contempt of Court - - - - -	XLIII.	IX.		
- a memorial of partners, with particulars, and of directors and registered officers, to be filed within the first week of January and July, and all changes as they shall happen - -	"	X.		
- names of two or more persons holding any share to be entered in the memorial; in case of other registered companies owning shares, the name of such companies to be entered only - - - - -	"	XI.		
- memorials by whom to be signed, and how verified - -	"	XII.		
- copy of registered deed or memorial shall be received in evidence before all courts - - -	"	XIII.		
- all persons to be allowed to inspect or to have copies of deeds or memorials - - - - -	"	XIV.		
- fees to be established by the Court for Registering Deeds and Memorials, and allowing inspection and furnishing copies thereof - -	"	XV.		
- shares how transferable - - - - -	"	XVI.		
- shares not transferable until all calls due by holders of such shares shall have been paid - -	"	XVII.		
- memorial to be made and filed of such transfers - - -	"	XVIII.		
- transfers when to be deemed complete, and the liability of the shareholder when to cease, and that of the purchaser to commence - -	"	XIX.		
- Supreme Court may order material errors in memorials filed to be corrected - - - - -	"	XX.		
- directors may close register of transfers for 14 days before payment of dividend - - - - -	"	XXI.		
- the Company shall not see to any trust to which a share is subject. A receipt from what persons shall be a sufficient discharge for dividends - - - - -	"	XXII.		
- a registered company shall sue and be sued in the name of the company. Service of process on a registered officer sufficient - -	"	XXIII.		
- the registered company may be named in any indictment or information for any offence against their money or goods - - - - -	"	XXIV.		
- suits proceeded with in the name of the company shall be non-suited, unless begun by order of competent persons on behalf of the company - - - - -	"	XXV.		
- suits, indictments, &c., shall not be prejudiced by reason of change in the partnership or direction - -	"	XXVI.		
- no suits by or against the company shall be affected by the defendant or plaintiff being a shareholder of the company - - - - -	"	XXVII.		
- unpaid capital on account of the capital stock of the company, how recoverable - - - - -	"	XXVIII.		
- a registered company committing an act of forfeiture shall be liable to the jurisdiction of the Insolvent Court - - - - -	"	XXIX.		

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Joint Stock Companies; adjudication of forfeiture not to affect individual members of the company -	XLIII.	XXX.		
the assignee shall be vested with the whole of the real and personal property of the company, with all their other rights mentioned -	"	XXXI.		
the assignee may compromise any debts or claims belonging to the company -	"	XXXII.		
directors when unable to meet engagements shall publish a resolution of their inability, and what shall be the effect of such resolution -	"	XXXIII.		
creditors may petition the Insolvent Court if the company do not satisfy judgments within two months, and how the Court shall act in such case -	"	XXXIV.		
upon filing of any petition the Court shall make the like vesting order in favour of the assignee as in individual cases -	"	XXXV.		
the directors shall furnish a balance sheet and accounts, and assist the assignee in closing the affairs of the company -	"	XXXVI.		
creditors of the company shall not enforce their claim against any shareholder otherwise than under this Act, except for any special contract in his individual capacity -	"	XXXVII.		
the official assignee shall assess the amount of liability of the company among the shareholders, non-payment by them within the period ordered shall be an act of insolvency -	"	XXXVIII.		
if full satisfaction cannot be obtained within reasonable time from the incumbent shareholders, persons who shall have been shareholders within three years before the adjudication shall be assessed to such amount as the Court may order -	"	XXXIX.		
the Court may make allowances for unrealized assets of the company -	"	XL.		
no assessment shall be set aside by reason of excess of others: the Court may reduce any assessment -	"	XLI.		
if on realizing the assets a balance shall remain after paying the company's debts, the same how to be disposed of -	"	XLII.		
liability of certain retired shareholders to contribute -	"	XLIII.		
what proceeding shall be adopted in cases where the aid of a Court of Equity is necessary for closing the affairs of the company -	"	XLIV.		
Supreme Court may make orders for claims of any shareholder against another -	"	XLV.		
whenever any shareholder shall be adjudged an insolvent, the assignee shall rank as a creditor of his estate on behalf of the company -	"	XLVI.		
after the affairs of any registered company are closed under this Act, the partnership shall be dissolved -	"	XLVII.		
Schedule -	"			
Judicial Officers protected from being sued in any Civil Court for any official act, as well as persons belonging to their Courts for executing their orders -	XVIII.			

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Jurisdiction of Sudder Ameens and District Moonsiffs in the Madras Presidency extended. [See District Moonsiffs and Sudder Ameens] - - - -	III.	I.		
Justices of the Peace in the Straits Settlements vested with the powers of those for the Town of Calcutta in trying and punishing larcenies, &c. [See Straits Settlements.]				
L.				
Land Revenue of Calcutta. [See Calcutta.]				
Land; forfeited deposits at sale of, under Regulation VIII. of 1819 and Act IV. of 1846, no longer to be regarded as part of the proceeds - - - -	XXV.	I.	- -	Bengal.
— such forfeitures, how to be applied hereafter - - - -	"	II.		
Lands in Calcutta taken for public purposes; law for confirming title to. [See Calcutta and Regulation.] - - - -	I.			
Larcenies, trial and punishment of, in the Straits Settlements. [See Straits Settlements.]				
M.				
Magistrates in the Straits Settlements vested with the powers of those for the Town of Calcutta. [See Straits Settlements.]				
Mahomedans, right of inheritance of. [See Inheritance.]				
Malacca. [See Beggars. Pawnbrokers.]				
Merchant Seamen, registry of. [See Registry.]				
Military Offences. [See Commander-in-Chief.]				
Moonsiffs. [See District Moonsiffs.]				
— sections 10 and 12, Regulation XXVI. of 1814, Bengal Code, made applicable to suits in the Courts of, in the Bengal Presidency - - - -	XV.	I.	- -	Bengal.
— Act XII. of 1843 shall apply to points to be established, or on which proofs are required by the Court - -	"	II.		
Municipal Improvements; this Act may take effect in any town or suburb beyond the towns of Calcutta, Madras and Bombay, if the inhabitants are desirous for making - - - -	XXVI.	II.	- -	General.
— Application for having the Act put in force in any town or suburb, how to be notified for ascertaining the wishes of the inhabitants - - - -	"	III.		
— this done, notice to be given of a final order as to whether the Act shall or shall not take effect wholly or partially in such town - - - -	"	IV.		
— publication of such order shall be evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the town - - - -	"	V.		
— Commissioners shall be appointed, with authority for preparing Rules for the purposes of the Act - - - -	"	VI.		

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Municipal Improvements; what shall be the objects of the Rules -	XXVI.	VII.		
Commissioners shall make contracts, and apply the taxes raised in necessary works and expenses -	"	VIII.		
Commissioners not personally liable for any contract, but shall be liable for misapplication of monies -	"	IX.		
arrears of taxes and penalties, how recoverable -	"	X.		
no rate shall be invalid for defect of form; description of property as generally known sufficient; naming the owner or occupier not necessary -	"	XI.		
moveable property shall be seized and sold for arrears of tax -	"	XII.		
Commissioners shall send up to the Government every year an account of all works executed and sums received and spent by them -	"	XIII.		
Government may suspend the operation of this Act in any town, and appoint persons to report upon the behaviour of the Commissioners, or any of them, or their officers -	"	XIV.		
Municipal Law of Calcutta amended so far as regards the Commissioners. [See Calcutta.]				
N.				
Native Officers and Soldiers. [See Soldiers.]				
O.				
Offences, Military, pardon of. [See Commander-in-Chief.]				
Officers, Native Military. [See Soldiers.]				
P.				
Pardon of Military Offences. [See Commander-in-Chief.]				
Passes granted to ships belonging to native Princes or States in alliance with the East India Company, wherever the same may have been built. [See Ships.]	XI.			
Pawnbrokers shall take out a license from the Superintendent of Police of the station where their shop is situated -	XL.	II.		- - Straits Settlements.
penalty for persons trading as, without license, and taking in pledge goods for loans under 150 dollars -	"	III.		
penalty for licensed, taking goods on pawn between sunset and sunrise -	"	IV.		
penalty for pledging or buying goods belonging to European or native soldiers without authority from the commanding officer -	"	V.		
penalty for pledging or buying goods from any child apparently under age -	"	VI.		
shall report to the Superintendent of Police all cases of suspicion, keep proper entries of every article pledged, and give a duplicate of the entry to the person pawning, in default what shall be the penalty -	"	VII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Pawnbrokers; penalty for failing to produce all entries before the police officer whenever called upon to do so - - -	XL.	VIII.		
penalties may be imposed on conviction before two Justices of the Peace, and how to be levied - - -	"	IX.		
Act when to take effect - - -	"	X.		
Pleadings; Section 8, Act IV., of 1846, not applicable to private agreements between parties and their pleaders before the passing of that Act - - -	XXX.	I.	- -	General.
allowed for the defence of prisoners in the Company's Courts. [See Counsel.]				
Poisoning for doing bodily harm; how punishable - - -	XXIX.	I.	- -	General.
with intent to murder, but the offence proved to be one under this Act, how punishable - - -	"	II.		
Act to be construed with and as part of Act XXXI. of 1838 - - -	"	III.		
Prince of Wales' Island. [See Beggars. Pawnbrokers.]				
Principal Sudder Ameens within the Bengal Presidency empowered to confirm decisions on certain appeals without any notice to the respondents. [See Appeals and Regulations] - - -	VIII.			
Prisoners may be removed from one prison to another within the Company's Territories by order of the Governor or Governor in Council of any Presidency, without application to the Superior Criminal Court - - -	VII.	II.	- -	General.
time of removal shall reckon as part of the period of imprisonment - Prisoners. [See State Prisoners.]	"	III.		
Property; fine may be added to punishment awarded by Criminal Courts in the Company's Territories to persons convicted of offences concerning, not exceeding the value thereof, and may be distributed among the sufferers - - -	XVI.	I.	- -	General.
payment of such fines, how to be enforced - - -	"	II.		
Protection of Judicial Officers. [See Judicial Officers.]				
Public Accountants to give security for the discharge of their trusts, and account of monies coming in their possession - - -	XII.	I.	- -	General.
amount of security, how to be fixed - - -	"	II.		
definition of a Public Accountant - - -	"	III.		
how and by whom to be proceeded against for defalcations - - -	"	IV.		
Laws for the recovery of arrears of Land Revenue due to Government, and for recovery of damages by persons wrongfully proceeded against for any such arrear, shall apply to Public Accountants - - -	"	V.		
sales of estates made before the passing of this Act for satisfaction of security bonds, how to be dealt with - - -	"	VI.		
Public Servants; Government may order a formal inquiry into charges against - - -	XXXVII.	II.	- -	General.
inquiry to whom to be entrusted - - -	"	III.		
Government to appoint some person to conduct the prosecution - - -	"	IV.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Public Servants; penalty for persons making false accusations, which shall be reduced to writing, and verified by oath; accusation on oath not necessary on the part of Government - - -	XXXVII.	V.		
- an accuser shall furnish security that he shall prosecute the charge thoroughly, and answer any counter-charge against him for malicious prosecution or perjury - - -	"	VI.		
- Government may abandon the prosecution, and allow the accuser to continue it - - -	"	VII.		
- powers of the Commissioners of Inquiry - - -	"	VIII.		
- penalty for disobeying any process for the purposes of the Commission - - -	"	IX.		
- a copy of the articles of charge and list of documents and witnesses, when to be delivered to the accused - - -	"	X.		
- at the beginning of the inquiry the articles shall be openly read, and the accused required to plead guilty or not guilty; non-attendance on his part will be construed into admission of the charge - - -	"	XI.		
- the prosecutor shall then address the Commissioners in explanation of the charge - - -	"	XII.		
- examination of witnesses, how to be conducted - - -	"	XIII.		
- Commissioners may, before the close of the case for the prosecution, allow new evidence: the accused in such case may have the proceedings adjourned for three clear days - - -	"	XIV.		
- accused shall make his defence orally, or in writing - - -	"	XV.		
- evidence for the defence, how to be taken - - -	"	XVI.		
- witnesses shall be examined on oath, and for false evidence shall be liable to the penalties of perjury: a private prosecutor may be examined for both sides - - -	"	XVII.		
- notes taken in English of all oral evidence shall be read to each witness - - -	"	XVIII.		
- the inquiry shall end if the accused makes only an oral defence, and offers no evidence; in case of a written defence and exhibition of evidence, the prosecutor may make a general reply, and produce new evidence - - -	"	XIX.		
- Commissioners may order amendments of any articles of charge not clearly drawn, and may, on application by either party, adjourn the inquiry - - -	"	XX.		
- after close of the inquiry Commissioners shall report to the Government the proceedings, with their opinion - - -	"	XXI.		
- Government may order further investigation, and in case of Special Commissioners consult the authority to which the accused may be subordinate, and will pass final orders thereon - - -	"	XXII.		
- meaning of the word "Government" as used in this Act, explained - - -	"	XXIII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Public Servants; this Act not to affect any Act or Regulation for the suspension of uncovenanted Judicial and Revenue Officers, but a commission may sit for their trial - - - - -	XXXVII.	XXIV.		
the authority of Government for suspending or removing any public servant without an inquiry to remain unaffected - - - - -	"	XXV.		
Public Works. [See Railways.]				
Putnee Lands; forfeiture of deposits at sales under Regulation VIII. of 1819. [See Lands.]				
Putnee Tenures; petition to the Civil Court for the sale of, no longer necessary; one to the Collector sufficient - - - - -	XXXIII.	I.	- -	Bengal.
sales held without presenting such petitions to Civil Courts, and for the reversal of which no suit was commenced before 4th April 1850, declared valid - - - - -	"	II.		
putneedars whose tenures have been sold before this Act, without presenting such petitions to Civil Courts, may sue zemindars for actual loss sustained by them - - - - -	"	III.		
R.				
Railway; grounds and buildings taken for, in Bombay and Colaba. [See Bombay and Colaba.]				
Railways declared public work within the meaning of Regulation I. of 1824, Bengal Code - - - - -	XLII.	I.	- -	-- Bengal Presidency.
power of persons employed in surveying lands for, or other public works	"	II.		
the proper officer of Government shall take account of all necessary damage for awarding compensation - - - - -	"	III.		
penalty for obstructing or doing damages to railway works - - - - -	"	IV.		
the officer may take immediate possession of lands required, and the consideration how to be paid; obstruction of possession how to be dealt with - - - - -	"	V.		
surrender of lands, how to be enforced in case of impediment - - - - -	"	VI.		
lands may be temporarily occupied for the purposes of, and compensation allowed for such occupation, and any damage done to the lands - - - - -	"	VII.		
the officer may execute award, and do all things for completing the work without reporting to the local government - - - - -	"	VIII.		
lands taken otherwise than according to Regulation I. of 1824 shall vest in the East India Company after five years, if no claim were preferred during that period - - - - -	"	IX.		
the five years how to be reckoned	"	X.		
in cases of suits begun in five years, and the right of plaintiffs established, the claim how to be adjusted - - - - -	"	XI.		
Register Office for Merchant Seamen to be established at the ports of the several Presidencies, and other ports as shall be necessary - - - - -	XXVII.	I.	- -	General.
a Registrar to be appointed, with establishment - - - - -	"	II.		(continued)

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Register Office; each Registrar shall, with two sureties, execute bonds to the East India Company for the faithful performance of his duty and due application of all monies	XXVII.	III.		
conditions of registry of persons to serve as seamen on board vessels navigating from any of the Company's ports, and registered as a British vessel	"	IV.		
every seaman appearing at the office shall be registered	"	V.		
a register ticket to be given for a fee to every seaman, containing a description of him, and the class he belongs to	"	VI.		
a seaman losing his ticket, shall have another on payment of an extra fee, if no fraud has been committed	"	VII.		
the tickets of seamen when in prison, how to be taken care of; whenever seamen are sentenced to death or transportation, their tickets to be sent to the Registrar	"	VIII.		
list of cancelled and lost tickets to be published from time to time and sent to different public officers mentioned	"	IX.		
penalty for masters of vessels engaging unregistered seamen or those with cancelled tickets	"	X.		
penalty for persons applying for register tickets making false statements	"	XI.		
penalty for abuse of tickets	"	XII.		
penalty for persons retaining register tickets of seamen of which they have come in possession, either by death of such seaman or otherwise	"	XIII.		
penalty of seamen for tendering to masters of vessels cancelled tickets, or tickets not lawfully issued to them	"	XIV.		
penalties by whom to be imposed and how levied	"	XV.		
fees received by the Registrar, how to be applied; a yearly duty to be levied on vessels of certain capacity for the same purpose	"	XVI.		
Schedules (A.) and (B.)	"			
Registration of Joint Stock Companies.— [See Joint Stock Companies.]				
Registry of Ships. [See Ships.]				
Regulation I. of 1824; first seven sections of, Bengal Code, made applicable to lands within Calcutta needed for public purpose. [See Calcutta.]	I.	I.		
VI. of 1793, section 10 of—				
XII. of 1797, section 3 of—				
XXVI. of 1814, section 8, of Bengal Code, modified. [See Appeals.]	IV.			Bengal.
V. of 1831, clause 3, section 16 of, Bengal Code, extended to Principal Sudder Ameens. [See Appeal and Principal Sudder Ameens.]	VIII.	I.		Bengal.
VII. of 1832, section 9, Bengal Code, the principle of, extended throughout the Company's territories	XXI.			General.
XXVI. of 1814, sections 10 and 12 of, Bengal Code, made applicable to suits in the Moonsiffs' Courts in the Bengal Presidency. [See Moonsiffs.]	XV.	I.		Bengal.

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Regulations XXXIII. of 1827, and XV. of 1828, Bombay Code, repealed - -	XXIV.	I.		
Regulation VIII. of 1819; so much of section 9, Bengal Code, as relates to forfeiture of deposits at sales of land under the above Regulation being regarded as part of the proceeds, repealed. [See Land and Putnee Tenures.] - -	XXV.	I.	- -	Bengal.
VIII. of 1819, clause 2, section 8, Bengal Code, modified - -	XXXIII.			
III. of 1818, Bengal Code, explained and extended - -	XXXIV.			
VII. of 1830, passed by the Governor of the Straits settlements, and Regulation XI. of 1833, Bengal Code, repealed, with certain exceptions - -	XL.	I.		
I. of 1824, Bengal Code, extended in certain respects - -	XLII.			
IV. of 1819, Bengal Code, rescinded - -	XLIV.	I.		
Religion, renouncing, no bar to the right of inheritance. [See Inheritance.]				
Restitution of the value of stolen property. [See Property.]				
Revenue, Land, of Calcutta. [See Calcutta.]				
Revenue Board. [See Board.]				
S.				
Sale of Putnee Tenures. [See Putnee Lands.]				
Salt, Customs duty on, passing into or out of foreign European territories leviable within the Bombay Presidency - -	XXXI.	I.	- -	Bombay.
the same to be levied under what rules and restrictions - -	"	II.		
penalty for passing illicit salt - -	"	III.		
passed or attempted to be passed contrary to this Act shall be liable to confiscation with conveyances and packages - -	"	IV.		
informers may be rewarded through whose means seizures may be made - -	"	V.		
penalty for persons using new, or reopening salt-works, without permission of Government - -	"	VI.		
Government may suppress any work not producing a yearly average of 5,000 maunds - -	"	VII.		
applicability of section 7, Act XXVII., of 1837 - -	"	VIII.		
Seamen, Registry of. [See Registry.]				
Seamen (Merchant); masters of registered vessels shall, before putting to sea, make an agreement with his crew, with certain specifications - -	XXVIII.	I.		
agreement, how to be drawn and executed - -	"	II.		
certified copy of the agreement shall be evidence on behalf of the seamen; they are not required to produce agreement, and, in case of non-production, may establish their claims by other evidence - -	"	III.		
agreements purporting to deprive seamen of their right or claim to wages or salvage, not binding upon them - -	"	IV.		
their wages to be calculated by the calendar month - -	"	V.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Seamen (Merchant); authority to the registrar to receive part of the wages of seamen during their absence, for the maintenance of their families - - -	XXVIII.	VI.		
such payments, when to cease - - -	"	VII.		
such receipts and payments to be entered in a book, and authenticated by the Registrar. - - -	"	VIII.		
Registrar shall, at the time of agreement, explain to the seamen the conditions on which they can allot a part of their pay to their families - -	"	IX.		
penalty for masters not delivering to the Registrar, before leaving the port, a list of every seaman engaged by him in the Company's territories - - -	"	X.		
penalty for persons obstructing the Registrar or his assistant in examining the seamen on board, in order to prevent their being unlawfully shipped - - -	"	XI.		
Registrar may stay the grant of port clearance if the master, owner or agent evade or neglect these provisions - - -	"	XII.		
balance of wages to be paid to the seamen within seven days after the arrival of the vessel at the port where the voyage ends, or after the end of their services - - -	"	XIII.		
penalty for non-payment of the wages as prescribed above - -	"	XIV.		
wages due to deceased seamen, to whom to be made over, and how to be disposed of afterwards - -	"	XV.		
penalty for masters not paying the wages due to deceased seamen within 10 days after the vessel's arrival at the port of registry - - -	"	XVI.		
subsistence and passage of seamen, how to be provided for by masters whenever the vessel is sold at any port out of the Company's territories, or where their services shall end -	"	XVII.		
the expenses incurred for the above purpose by any person other than the master, how recoverable - -	"	XVIII.		
the above two sections shall not apply to seamen who may give their consent to be discharged - - -	"	XIX.		
in cases of disasters, seamen entitled to wages up to the time of wreck or loss of ships - - -	"	XX.		
allowance of provisions at reduced rates to be compensated by increased wages, proportionately - -	"	XXI.		
assignment of seamen's wages, &c. before the accruing thereof, or irrevocable power of attorney for receipt of wages, &c. not valid - - -	"	XXII.		
penalty for owners not supplying a vessel with the requisite medicine and appliances - - -	"	XXIII.		
expense of medical treatment of master, officer or seamen, and his subsistence until return to port, shall be defrayed by the owner - - -	"	XXIV.		
penalty for seamen not working out their advance in vessels other than those for which their services are engaged, but which are prevented by accidents from going on their intended voyage - - -	"	XXV.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Seamen (Merchant), Registrar may grant license to brokers to procure, and to keepers of lodging-houses to allow seamen to be engaged there - - -	XXVIII.	XXVI.		
penalty for unauthorized persons engaging seamen and obtaining their register ticket for engaging them on any vessel, and for persons obtaining any consideration from seamen for engaging them - - -	"	XXVII.		
brokers shall forfeit their license for engaging seamen in unlicensed lodging-houses, and for being interested in such lodging-houses -	"	XXVIII.		
penalty for ill-advising seamen and concealing deserters -	"	XXIX.		
penalty for a seaman refusing to join vessel or to go to sea, and for absenting without leave, or deserting - - -	"	XXX.		
penalty for seamen absenting from or refusing to perform their duties, and for leaving without permission, after arrival of vessels at port of delivery - - -	"	XXXI.		
forfeitures to the owner for desertion - - -	"	XXXII.		
excess of wages paid to substitutes of deserters at out-ports, how recoverable - - -	"	XXXIII.		
what shall constitute a desertion - - -	"	XXXIV.		
penalty for harbouring or concealing deserters - -	"	XXXV.		
debts exceeding three rupees incurred by seamen after being engaged, not recoverable till the end of their services; penalty for keepers of lodging-houses detaining for alleged debts, chests, tools, &c. of seamen -	"	XXXVI.		
penalty for masters not replacing provisions, water and medicines on board ship declared by Surveying Officer as unfit for use -	"	XXXVII.		
adequate shelter to be provided for every seaman, and in default they shall be entitled to what compensation - - -	"	XXXVIII.		
penalties how and by whom to be imposed, and how recoverable - - -	"	XXXIX.		
claims for wages or forfeitures by whom to be determined, and the amount with cost how recoverable - - -	"	XL.		
definition of "master," "seamen," "owner," and "agent" as used in this Act - - -	"	XLI.		
Schedules A. and B.	"			
Servants. [See Public Servants.]				
Ships; passes issued under section 24 of Act X. of 1841 may be issued to, belonging to Native Princes or States in alliance with the East India Company or their subjects, wherever they may have been built - - -	XI.	II.	-	General,
owned by British Subjects entitled to registry under Act X. of 1841, or by Native Princes or their subjects, and employed only in coasting voyage or between the Continent of India and Ceylon, may be registered and obtain passes - - -	"	III.		
fees payable for certificates of registry - - -	"	IV.		
this Act to be construed with Act X. of 1841 - - -	"	V.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Singapore. [See Beggars. Pawnbrokers. Straits Settlements.]				*
Small Debts; Courts of Commissioners and of Requests for the recovery of, shall be held under this Act - - -	IX.	I.	- -	General.
application of the words "Go- vernor in Council" or "Supreme Court" as used in this Act - -	"	II.		
all provisions of the Charter of Justice of King George the Second, and Acts of Parliament and of any Regulation, Act or Proclamation here- tofore made for the constitution or prac- tice of the Courts, repealed - -	"	III.		
Courts how to be styled - -	"	IV.		
jurisdiction of the Courts shall be to the extent as at present, and may be further extended from time to time	"	V.		
Courts under this Act shall be Courts of Record and Courts of Re- quests within the meaning of Act VII. of 1841, Section 6 - - -	"	VI.		
proceedings commenced before the passing of this Act how to be dealt with - - -	"	VII.		
the number of Judges not to exceed three, one of whom to be a Bar- rister - - -	"	VIII.		
the Judges restrained from practising as advocate or attorney in any of the Queen's or Company's Courts, and from trading - -	"	IX.		
the Judges shall be removeable by order of the Governor-general in Council - - -	"	X.		
powers which may be exercised by the Judges of the Supreme Court in the Small Cause Court - - -	"	XI.		
duties to be performed by the clerk and bailiffs shall be performed in cases tried by a Judge of the Supreme Court by Supreme Court officers -	"	XII.		
clerk or clerks may be ap- pointed and removed by the Judges subject to the approval of the Governor in Council - - -	"	XIII.		
duties of the clerk defined -	"	XIV.		
the Judges may appoint, sus- pend and dismiss bailiffs of the court	"	XV.		
duties of the bailiffs defined -	"	XVI.		
penalty for clerks acting di- rectly or indirectly as attorney or va- keel, or being concerned in any trade or profession; the same by whom and how leviable - - -	"	XVII.		
security to be given by the clerk and bailiffs - - -	"	XVIII.		
rates of fees payable - -	"	XIX.		
rule for payment of fee or com- mission; Judges may grant summons to poor plaintiffs without deposit, or with a partial deposit of fees, and also may remit costs to poor suitors - -	"	XX.		
the amount of fees may be lessened and again increased, but not beyond the prescribed scale - -	"	XXI.		
rules to be made for securing the money in the hands of any officers, and for the application thereof - -	"	XXII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Small Debts; the Court shall sit daily, except on certain holidays, and each of the Judges may sit apart and with either of them - - - - -	IX.	XXIII.		
persons forging the seal or any process of the Court, or making any use of the same, or any paper falsely purporting to be a copy thereof, shall be guilty of felony - - - - -	"	XXIV.		
amount of suits for debt or damage limited to 500 rupees; suits shall be heard and determined in a summary way; cases exempted from its jurisdiction - - - - -	"	XXV.		
on applications made for bringing a suit, what shall be the procedure of the Court - - - - -	"	XXVI.		
mis-statements of the cause of action, how to be rectified - - - - -	"	XXVII.		
what shall constitute liability of persons to the jurisdiction of the Court - - - - -	"	XXVIII.		
what course to be adopted for the service of any summons or other process of the Court out of its district - - - - -	"	XXIX.		
service of any summons or process out of the district of the Court, how to be proved - - - - -	"	XXX.		
any minor may sue for wages or piece-work, or for work as a servant - - - - -	"	XXXI.		
the Court shall have jurisdiction in cases not exceeding 500 rupees, as whole or part of the unliquidated balance of partnership account, or the amount of a distributive share under an intestacy, or of any legacy under a will - - - - -	"	XXXII.		
executors and administrators may sue or be sued as in his own right and judgment, and execution shall be the same as in the Supreme Court in like cases; no executor or administrator shall be summoned within six months after the death of the person whose executor or administrator he is - - - - -	"	XXXIII.		
plaintiffs not allowed to divide cause of action for bringing two or more suits, but having claims exceeding 500 rupees may abandon the excess - - - - -	"	XXXIV.		
persons exempted from liability to the processes of these Courts - - - - -	"	XXXV.		
service of process to any one of two or more defendants sufficient; every defendant who has satisfied a judgment may recover contribution from others jointly liable with him; in cases of misjoinder of defendants, the suit to be proceeded against such only against whom cause of action appears - - - - -	"	XXXVI.		
the Judges may determine questions of fact, law or equity - - - - -	"	XXXVII.		
on plaintiff and defendant appearing, how shall the Judges proceed - - - - -	"	XXXVIII.		
a defendant having a claim against the plaintiff may set the same against plaintiff's demand, and sue him for any balance due after such set-off - - - - -	"	XXXIX.		
the Judges may, with the consent of both parties, refer cases to arbitration - - - - -	"	XL.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Small Debts; the Judges shall, subject to the approval of the Supreme Court, frame rules for regulating the practice and proceedings of the Court, and forms for every proceeding and keeping books, entries and accounts; in cases not expressly provided for, the practice in the Supreme Court may be adopted -	IX.	XLI.		
cause to be struck out if the plaintiff shall not appear, and if he shall appear, but fail to prove his demand, the Judges may nonsuit the plaintiff, or give judgment for the defendant; and, in either case, where the defendant shall appear and not admit the demand, the Judges may award to the defendant, by way of costs and satisfaction for his trouble, such sums as they may think fit; if the defendant appears while the plaintiff is absent, and admits the claim and pays the fees, the Court may give judgment as if the plaintiff had appeared -	"	XLII.		
in case of non-appearance of defendant a writ of attachment may be issued to compel his attendance, or the cause may be heard <i>ex parte</i> , and the judgment shall be as valid as if both parties had attended; the Judges may, however, set aside any <i>ex parte</i> judgment, and grant new trial -	"	XLIII.		
the Judges may grant time to either party to proceed, and from time to time adjourn any Court or the hearing of any cause -	"	XLIV.		
defendant may pay into Court such sum as he shall think a full satisfaction for the plaintiff's demand and cost; if the plaintiff shall proceed and recover no further sum, he shall pay to the defendant the costs incurred by him after the payment -	"	XLV.		
in trials, the parties, their wives and all other persons may be examined for either party, subject to the Regulations in force with respect to women of rank -	"	XLVI.		
persons giving false evidence, on oath or affirmation, shall be guilty of perjury -	"	XLVII.		
summonses to witnesses may be obtained with or without a clause for production of papers, and any number of names may be inserted -	"	XLVIII.		
penalty for persons served with such summons refusing or neglecting to appear, or to produce the papers required, and for refusing to swear and give evidence -	"	XLIX.		
in suits for sums exceeding 30 rupees, if any defendant evades process of the Court, or disposes of his property for defrauding the plaintiff or his creditors generally, or is about to withdraw his person and effects from the Court's jurisdiction, the Court may issue a warrant for the apprehension of such person, and commit him to gaol until security be given for his appearance until judgment -	"	L.		
payment of fine, how to be enforced -	"	LI.		
costs of actions or proceedings shall be paid by or apportioned between the parties, and in default of special direction shall abide the event of the action -	"	LII.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Small Debts; Every Order and Judgment of the Court shall be final; but the Judges may nonsuit the plaintiff in default of proof, entitling either party to the judgment of the Court, and the Court may in every case order a new trial - - - - -	IX.	LIII.		
causes of what nature, and under what circumstances, may be removed into the Supreme Court - - - - -	"	LIV.		
under what circumstances questions of law or equity may be reserved for the opinion of the Supreme Court; if two Judges sit and differ in opinion the question may be referred to the Supreme Court - - - - -	"	LV.		
Judges may order debts, damages or costs to be paid by instalments - - - - -	"	LVI.		
in cases of cross judgments, executions shall be taken out only for the balance remaining of the larger sum, after deducting the smaller amount - - - - -	"	LVII.		
in default of payment of money ordered by the Court, execution may issue against the body or goods and chattels of the defaulter - - - - -	"	LVIII.		
in cases of instalments, execution shall not issue until after default of some instalment, and execution, or successive executions may then issue for the whole or part of the amount - - - - -	"	LIX.		
persons arrested in execution of a writ, how to be dealt with - - - - -	"	LX.		
persons shall not be imprisoned twice, nor execution issued against the body and goods at the same time under the same judgment - - - - -	"	LXI.		
persons suing out a warrant, shall deposit diet money for one week - - - - -	"	LXII.		
on the execution of a warrant, diet money for the remainder of the month in which the warrant is executed to be deposited with the keeper of the prison, and the same to be done monthly in advance so long as the debtor is to be kept in prison - - - - -	"	LXIII.		
in default of payment of the diet money, the prisoner shall be discharged - - - - -	"	LXIV.		
diet money spent, shall be costs in the cause, and that not spent, repaid to the creditor - - - - -	"	LXV.		
prisoners may be discharged on giving good security for payment of debt and costs in full or by instalments - - - - -	"	LXVI.		
on payment of the debt and costs in full, the prisoner shall be forthwith discharged - - - - -	"	LXVII.		
all property belonging to a prisoner, or afterwards acquired by him, shall be liable to be taken in execution after his discharge from prison for satisfaction of his debt and costs - - - - -	"	LXVIII.		
bailiffs in executing any process may seize goods, money, bank-notes, cheques or securities for money - - - - -	"	LXIX.		
such cheques, &c. &c., shall be held by the clerk for the amount due by the defendant, and the plaintiff may sue in the name of the defendant for the amount secured thereby - - - - -	"	LXX.		

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Small Debts; if from sickness or any sufficient cause, the defendant is unable to pay his debts or damages, judgment order or execution might be suspended until the cause of his disability has ceased	IX.	LXXI.		
sale of goods seized in execution, when to be made	"	LXXII.		
goods seized, where to be deposited	"	LXXIII.		
Judges may appoint persons for keeping possession, and others to be sworn brokers and appraisers, for the purpose of selling or valuing goods	"	LXXIV.		
such goods to be sold by one of such brokers and appraisers	"	LXXV.		
what shall be the costs of the appraisement and sale, and how they are to be applied	"	LXXVI.		
the clerk shall keep an account of the proceeds and of the amounts paid and reserved out of the same	"	LXXVII.		
judgment how to be executed when the defendant shall go out of the Court's jurisdiction before execution	"	LXXVIII.		
Writs of error or <i>supersedeas</i> sued for the reversing of any judgement, how allowed to be prosecuted, and that in cases of what amount	"	LXXIX.		
on payment, before sale of the goods, of the amount and costs, the goods seized in execution shall be discharged	"	LXXX.		
the clerk shall keep a record of all proceedings, which shall be authenticated by the Judges, and authenticated copies of such entries shall be admitted in all Courts	"	LXXXI.		
monies paid into Court on account of suitors, for six years, how applicable	"	LXXXII.		
penalty for misbehaviour in Court towards the Judges, clerks or other officers	"	LXXXIII.		
penalty for persons assaulting any officer or bailiff of the Court in the execution of his duty, and for rescuing persons arrested, or goods levied under process of the Court	"	LXXXIV.		
penalty for proved neglect of bailiffs to execute warrants	"	LXXXV.		
penalty for proved extortion or misconduct, or non-payment of money levied by any clerk, bailiff or officer of the Court	"	LXXXVI.		
penalty for any clerk, &c. exacting or accepting any unauthorized fee for any thing done for putting this Act into execution	"	LXXXVII.		
claims for goods seized in execution, the same belonging to persons not being the parties against whom the writ has issued, how to be satisfied	"	LXXXVIII.		
powers of Act VII. of 1847 shall be extended to the Court of Small Causes for the recovery of arrears of rent not exceeding 500 rupees	"	LXXXIX.		
affidavit of arrear may be made either by the principal or agent	"	XC.		
tenants or occupiers of houses paying a rent of 500 rupees per annum continuing to occupy without the owner's leave, or under an expired lease, or after notice to quit, to be summoned to show title to occupy the premises	"	XCI.		

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Small Debts; in default of tenants to comply with the requisition, the owner or agent shall give proof to the Court of his right to claim possession -	IX.	XCII.		
— upon proof of due service of the summons and of the neglect of the tenant, a warrant may be issued for giving possession of the premises -	"	XCIII.		
— if the tenant or occupier be out of the Court's jurisdiction, what will be deemed a due service -	"	XCIV.		
— no action shall be against the Judges or officers for issuing or executing the warrant or summons, by reason that the person suing out the same had no lawful right to the possession -	"	XCV.		
— owners having right to the possession shall not be a trespasser for irregularity in the mode of proceeding for obtaining possession, but the party aggrieved may recover damages specially laid -	"	XCVI.		
— absence of lawful right to the possession of the premises at the time of suing out the warrant shall be a trespass against the tenant or occupier, and he may sue the person suing out the warrant, execution upon the warrant being stayed until judgment be given in the action of trespass -	"	XCVII.		
— recovery of possession no bar to a regular suit in the Supreme Court for trying the title of the house, &c. -	"	XCVIII.		
— bonds shall be made to the other party to the action on its removal, or upon staying, delaying or reversing any judgment or execution, or the execution of any warrant of possession, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit -	"	XCIX.		
— actions against any officer of the Small Cause Court, except in certain cases, may be brought in the Supreme Court by the party suing -	"	C.		
— in actions in the Supreme Court for less than 500 rupees on contract, or less than 100 rupees for wrong, the plaintiff shall recover such sum only and no costs, and how the question of costs to be disposed of if there be no verdict for plaintiff -	"	CI.		
— no costs shall be allowed in suits brought in the Supreme Court against the clerk, bailiff or officer for grievances under pretence of the Court's process, where the damage does not exceed 500 rupees, -	"	CII.		
— penalties, fines and forfeiture authorized by this Act, how to be levied -	"	CIII.		
— for nonpayment of penalties, &c., forthwith upon conviction, the offender to be detained until return of warrant of distress of his property -	"	CIV.		
— if sufficient distress cannot be had, the offender how to be dealt with -	"	CV.		
— the monies levied as penalties, &c. to be paid to the clerk of the Court, and how applied -	"	CVI.		

INDEX TO ACTS OF THE

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Small Debts; proceedings to be adopted by a Justice or Magistrate in regard to penalties recoverable before him by this Act - - - - -	IX.	CVII.		
— form of conviction for offences against this Act - - - - -	"	CVIII.		
— no order, verdict or judgment or other proceeding, shall be quashed or vacated for want of form - - - - -	"	CIX.		
— distress made under this Act shall not be unlawful, nor the person making it a trespasser, on account of any defect or want of form, but the person aggrieved may bring an action for special damage - - - - -	"	CX.		
— actions for anything done in pursuance of this Act to be commenced within three months, and notice of the same to be given to the defendant at least a month before commencement of action - - - - -	"	CXI.		
— Schedule of fees - - - - -	"			
Soldiers, Native; shall not be entitled to pay or allowance when imprisoned under sentence of a Court Martial or Criminal Court, but shall be clothed and subsisted in manner directed by the Governor general in Council. [See Articles of War] - - - - -	XXXVI.	II.	- -	General.
State Prisoners may be confined by virtue of warrants under Regulation III. of 1818, Bengal Code, in any gaol of the Supreme Court, or any fortress or gaol in any part of the Company's territories - - - - -	XXXIV.	I.	- -	General.
— the above Regulation extended to every sheriff, commandant or officer having, in custody - - - - -	"	II.		
— confined within the jurisdiction of the Supreme Court under warrant of the Governor-general in Council, declared lawful - - - - -	"	III.		
Stolen Property; restitution of the value of. [See Property.]				
Straits Settlements; Magistrates and Justices of the Peace in the, vested with the powers given by Act XXI. of 1839, or Act III. of 1842, to the Calcutta Justices of the Peace for the trial and punishment of certain larcenies, felonies and assaults - - - - -	XIV.	I.		
— how the above Acts to be read in applying them to the - - - - -	"	II.		
— Magistrates or Justices of the Peace in the, shall be deemed Magistrates within the meaning of Act III. of 1844 - - - - -	"	III.		
— penalty for persons failing to attend to give evidence before any Magistrate or Justice of the Peace - - - - -	"	IV.		
Straits Settlements. [See Beggars. Pawn-brokers.]				
Subathoo and its annexed territories no longer subject in civil cases to the Agra Sudder Court, except as to cases now before it - - - - -	XXXII.	I.	- -	- - North Western Provinces.

	ACT.	SECTION.	CLAUSE.	TERRITORIAL SCOPE OF THE ACTS.
Sudder Ameens; no person by reason of place of birth or of descent exempted from the jurisdiction of. [See Acts] -	III.	I.	- -	- - Madras Presidency.
Sudder, Board of Revenue in the Lower Provinces and the Board of Customs, Salt and Opium, consolidated - - -	XLIV.	II.	- -	Bengal.
the Board how to be styled hereafter. [See Board of Revenue] -	"	III.		
Sudder Dewanny Adawlut. [See Appeals.]				
T.				
Tobacco: special duties leviable on, imported into the Island of Bombay - -	XXIV.	II.	- -	Bombay.
drawback not allowable, except as provided - - - - -	"	III.		
this Act not to affect the provisions of any former law for enforcing payment of the special duty - -	"	IV.		
Towns, Improvement of. [See Municipal Improvements.]				
Tributary Mehals Cuttack. [See Cuttack.]				
Trust [See Breach of. Public Accountants.]				
V.				
Vagrants. [See Beggars.]				
Z				
Zemindaries; boundary disputes concerning, in the Tributary Mehals in Cuttack. [See Cuttack.]				

EAST INDIA.

EAST INDIA ACTS,

FOR THE YEAR

1850,

WITH INDEX.

(Presented pursuant to Act of Parliament.)

*Ordered, by The House of Commons, to be Printed,
11 May 1852.*

[*Price 1 s.*]

338.

Under 16 oz.